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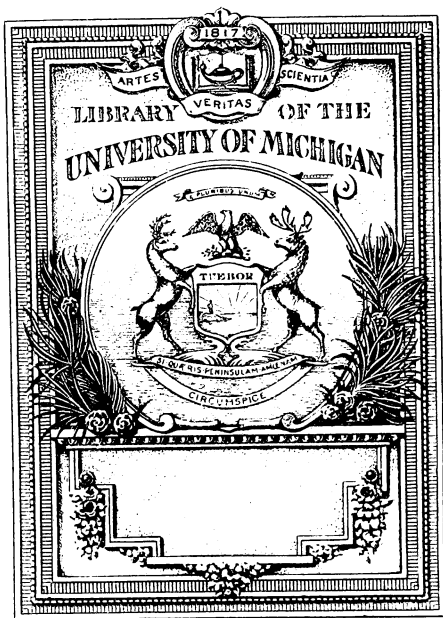
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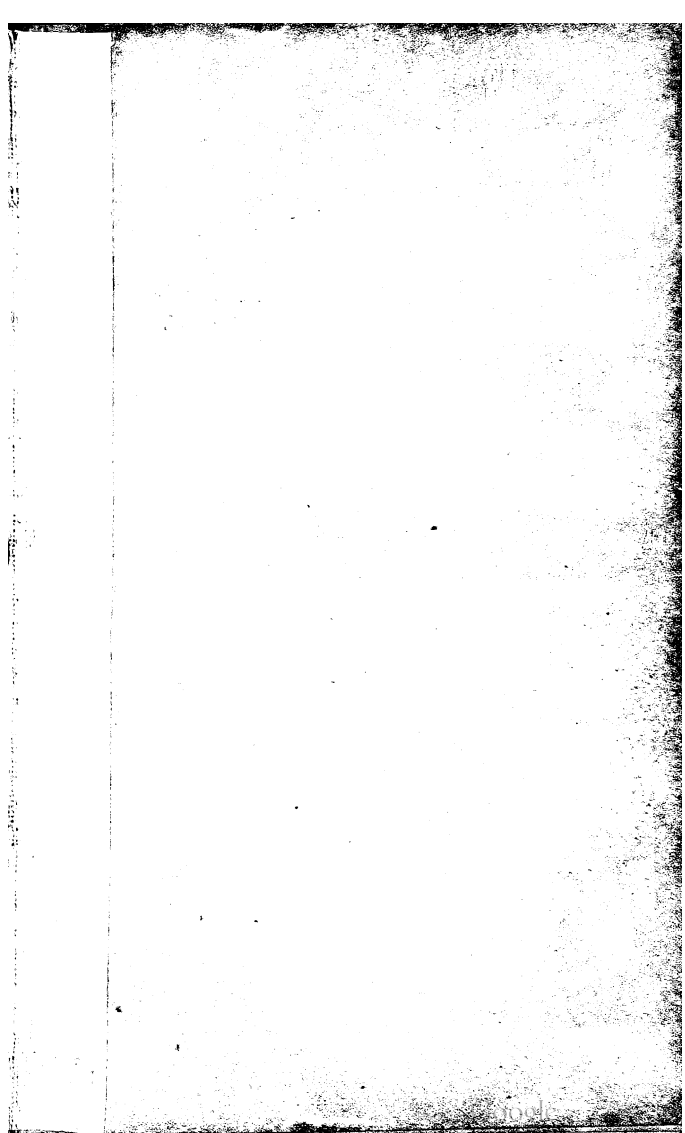
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ESSAYS
OF
HOWARD:

OR,
TALES OF THE PRISON.

Disguise thyself as thou wilt, still, Slavery, still thou art a
bitter draught.....*Sterne.*

SECOND EDITION.

Joseph Desnoes

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PREFACE,

BY THE PUBLISHER OF THE SECOND EDITION



A relic of barbarity had been ingrafted on civilization, a fruit, all bitterness, depended from the emblematic tree of liberty, and was the allotted portion of many a care-worn citizen of the free state of New-York. Imprisonment for debt, had attained a fearful growth, when in the year 1811, the *ESSAYS OF HOWARD* burst upon the vision of an astonished people, who seemed for the first time to have learned, that to a considerable portion of the citizens, freedom was but a mocking name. Before this time, the pain of protracted imprisonment was seldom made the subject of reflection, except, by the incarcerated victim, who, deserted or disowned by the sun-shine friends of better days and not unfrequently forgotten by the remorseless inflicter of his woe, suffered in a debtors' jail, all the pangs of hope deferred. *Howard*, if not the first who stepped forward to measure a lance with the demon, was certainly the first

to overcome him. Of imprisonment for debt, we have now but its history, the philanthropist who inflicted the mortal wound, did not live to witness the closing result; the author of the *Essays* died in the year 1825, the act to abolish imprisonment for debt, bears the date of 1831.

Modesty, the usual concomitant of merit, would conceal the name of the author of the *Tales of the Prison*, and did, to the time of his death, conceal it from all, except a few confidential friends. The anxious inquiry, frequently repeated, "*who is Howard?*" led but to vague surmises, and finally settled down in the generally admitted belief, first asserted by Howard himself, that he was a debtor confined for sixteen years in the New-York debtors' jail. That this should be credited, is natural, for who but a confined debtor could have become acquainted with the subject matter of the *Tales*? This innocent imposition is the only one practised by Howard, and evidently to conceal himself from public gaze. All else is true, except the introduction of fictitious names, which delicacy toward the incarcerated, surely justified. Howard was never confined within

the walls of a prison, but a susceptibility to the woes of others seemed interwoven with his very nature, he loved to commune with, and to solace the miserable ; his visits to the debtors' jail of New-York, were frequent, and in his sympathizing intercourse with the unhappy, he became acquainted with the facts so pathetically, detailed in the following pages. The concealment of his name during his life was matter of choice in him, but it entails no obligation on his survivors to perpetuate the secret. Justice to the memory of one of the most amiable of men, demands that the mask should no longer be permitted to hide from a benefitted community, the name of their benefactor, the lamented JOSEPH D. FAY, of New-York.

On the appearance of the Essays, every one who could procure a copy, possessed himself of it ; within a very short time after its publication, the work disappeared from the shelf of the bookseller, and to all subsequent demands for it, the answer was, '*out of print.*' The effect, however, was deep and lasting, hope, almost extinguished, lit up in the prisoner's breast, and he was seen throwing from him, as no longer necessary, his "little calendar of small

sticks, notched all over with the dismal days and nights he had passed there ;' the creditor seemed startled at the thought, the first time perhaps it had presented itself, that he was one of those to whom might be applied the observation of the Scotch bard, "*man's inhumanity to man makes* " *countless thousands mourn* ;" public opinion irresistible in a land of freemen, denounced imprisonment for debt, and put an end to it.

The Essays are out of print, ten dollars have been offered more than five years ago for a single copy of the work, and the tendered sum was rejected. That copy has been used to produce the present edition. It is not too much to predict, that so long as due regard for fine sentiment, afflicting detail, pure language, and thrilling subject, can influence the human mind, or interest the human heart, the ESSAYS OF HOWARD will not cease to be read and admired.

ADVERTISEMENT,

PREFIXED TO THE FIRST EDITION.



The Publisher of the following ingenious and instructive Essays earnestly recommends them to the consideration of all those who have it in their power to effect a reform in our present barbarous laws concerning imprisonment for debt. They were originally printed in "The New-York Columbian;" they spread with unexampled rapidity throughout the United States, and were honoured by almost every editor who republished them, with a complimentary introduction. Even those who are personally prejudiced against the reform, the necessity of which this writer so ably enforces, have confessed that the tales of woe related by Howard have drawn forth their tears, even while they looked upon them as mere fictions. But they are not fictions. Every narrative in these numbers is substantially true; and the Debtors' Prison at this moment contains many a wretch, whose wrongs, faithfully described, "might make the very stones of Rome rise up and mutiny."

Although the Publisher is himself so much delighted with the speculations of Howard, he must comply with the injunctions of their author so far as to declare, that they never would have appeared in this form, but for the urgent entreaties of a committee of gentlemen from Dutchess County, and numerous respectable and enlightened inhabitants of New-York, and other cities in the United States.

NEW-YORK, 1811.

No. 1.

ESSAYS OF HOWARD.

BY A PRISONER.

“And if thy brother that dwelleth by thee be waxen *poor*, and
“sold unto thee, thou shalt not compel him to serve as a bond
servant.”..... *The Holy Bible*.

IN the good old days of Moses, when he journeyed in the wilderness with the people of Israel, from the fiery top of Mount Sinai, the Lord gave to man the above statute of mercy. How far the people of these days have obeyed its injunction, I shall endeavour to show the public, with their permission, through the medium of the press, by calling their attention to the sufferings of debtors.

I have had a pretty good opportunity to know something of the miseries of that class of people, having myself been more than sixteen years a prisoner for—debt! I had the misfortune to have a wild and extravagant brother; but he was such a liberal and generous fellow, that I could not help loving him dearly. When he was in distress, I gave him money; and, if I could not readily raise it for him, (as my credit was good,) I lent him my notes. My brother was one of the greatest speculators that ever lived in America, and more than once made an immense for-

tune—on paper. Several times he would have made himself rich as Cræsus—and me also, (for I always shared with him!) if it had not happened, most unluckily! that just at the moment when he was about to realise all his ardent hopes, he wanted more money to perfect his scheme than could possibly be obtained. It was one of those glorious speculations that ruined my brother and—me. He died of a broken heart—heaven bless him, I say. But the *usurer* who bought of him my lent notes, at thirty per cent. discount, by combining with others, has kept me sixteen years a prisoner in the jail of the city and county of New-York. It is a horrid place—and many a time when, through the grates of my prison window, I have watched the last rays of the setting sun as they gilded some neighbouring spire, I have wondered that any man could find it in his hart to put a fellow being in jail for debt.

But creditors, some how or other, never think of these things. Evening to them, is a cessation from labour, and the same departing rays of light which make the prisoner melancholy over his sorrows, make the heart of the creditor rejoice. He has a plenty to eat, and when the debtor talks of starving he calls him a fool, and says, “no man of common industry can possibly want for the comforts of life in this happy country.” It was ever thus that my creditor replied, when I told him, by messenger, that I was absolutely reduced to the last stage of human misery. He never comes to see me, and knows so little of my situation that I really believe if he would only take the trou-

ble to pass one week with me, he would not hesitate a moment to give me liberty. I could never make the least impression on his feelings; and, indeed, I do not much wonder at it, for when one is happy he cannot enter into the feelings of the miserable. I have sometimes attempted to appeal to his conscience, but it is so completely secured behind the statutes of New-York, that I never shall touch it.—Indeed, I have at last given up the hope of liberty—blessed liberty! I can hardly write the word without dropping a tear at the recollection of the joyous days of liberty which are gone forever. I am sad when I think how they have fled away like a dream, and that neither I nor my creditor can ever recall them.

Habit has so altered me from the gay being that I was, that I really suppose if I were offered my freedom to day I could not enjoy it.

When I entered the walls of this terrible jail, in which, amid the rattling of chains, I am now writing this little impertinent story of myself, I was young, in good health, blest with a wife whom I adored, and as fine a boy as ever smiled in the face of a father. The boy is dead and my wife is no more. She was indeed a most excellent woman, but she was wounded to the soul by the horrors of our situation—her spirit was broken down, and she with the infant that caused her sickness, died in child-bed in jail, shortly after my imprisonment, in the year 1794.

My boy was forced by necessity, at a very tender age, to seek a livelihood on the ocean, and as I have

not heard from him for many years, I conclude that he has followed the spirit of his dear departed mother. Thus am I bereaved of wife, child, liberty and happiness, by a single creditor ; and this is what the law and the constitution of America calls—legal satisfaction. Hence it is that I say, if I was offered my freedom to day, I could not enjoy it. As the hoary headed tenant of the bastille, whose locks, like mine, whitened in confinement for no crime, most probably I should say--“I have no money--no friends—my talents for business are lost—I have forgotten the ways of the world—send me back to prison, for the light is hateful.”

Thus am I (“a brother that dwelt with my creditor”) “*waxen poor*”—sold to my creditor, and absolutely his “*bond servant*.” He keeps me in prison—“compels me to serve” the purposes of REVENGE, acts faithfully up to the laws of New-York, and cares not a sixpence for the laws of Moses.

Reader, perhaps you smile. Far be it from me to check a smile that lightens the heart, or plays on the countenance of any man living. No ! gentle and courteous reader ! smile, if thou canst, for the hand of misfortune may cast thee into bondage, where thou shalt not smile. But it is not my intention to treat the subject lightly. If the bible is holy, (and who dare think it not so ?) it is no laughable matter to follow the statute of New-York, and break the statute of that God who spoke from mount Sinai. For of this very statute, which I have thought proper to place at the head of my essay, that God has said,

whosoever, (mark it gentle reader!) "whosoever shall go aside from it shall be cursed in the field, and cursed in the city."

While I am writing this, seven prisoners, on whom the terrible key has just been turned, are entering with pallid countenances and sickly hearts, into their gloomy cells. The turnkey who by the by is a very good fellow, tries to banish their sorrow, and by way of consolation, tells them to cheer up for "*in less than a year they'll get quite used to it.*" For my own part, accustomed as I am to these scenes of wretchedness, I bear them, now, with considerable fortitude. But they speak a sadness to my heart which stops my pen. I will resume it again, when the bustle has subsided, and my thoughts are calm.

No. II.

ESSAYS OF HOWARD.

BY A PRISONER.

“Why boastest thou thyself in mischief. O mighty man.”

Psalm li.

WHOEVER wishes to see squalid Misery seated on her throne, with Poverty and Vice, Oppression and Sickness, officiating as her ministers, let him visit a debtors' prison in this land of *liberty*.

“We talk,” says an elegant writer, “much about instruments of torture ; Americans take credit to themselves for having banished the use of them from their happy shores ! Alas ! he that has observed the secrets of a debtors' prison, well knows there is infinitely more torture in the lingering existence of a poor debtor, in the silent intolerable minutes that he spends, than in the tangible misery of whips and racks.”

How often since I have been confined within these detestable walls, have I fervently wished, that I could enjoy the privileges of the meanest beggar, who sleeps in the open field with no other shelter than the canopy of the sky !

To lie, at freedom, in the pure air, to be pelted by the storms of heaven, are *blessings* compared with the shelter of a jail, and the merciless oppression of keepers accustomed to steel their hearts against every feeling of pity.

I have been long in prison, and from my observations, have discovered that the makers of the laws are not aware of half the cruelties committed under the sanction of the laws. The legislature have been anxious to secure the creditor.—Does the system of imprisonment for debt do it? No.

We hold the rights of liberty and personal freedom sacred, and infinitely above price. Yet, in the blindness of legislatures, they have permitted liberty to be the sport of REVENGE, and the sacred and highly valued right of personal freedom, is sold for a debt. For the mean and contemptible sum of one hundred dollars, a single exasperated creditor may treat his debtor worse than a criminal, confine him to a filthy cell behind ponderous doors—grated windows—massy locks—and damp walls—thus actually purchasing, with the little sum of forty pounds, the positive, but *useless* slavery of a free citizen.—Slavery! not for a day, or a year—but for life! Talk no more, Americans! of the cruelty of Spain to the prisoners of Miranda!—Cease to invoke the God of justice to pour curses on the heads of Algerine tormentors. Turn home the current of your indignation and pity; for here, in the bosom of our native land, *unfortunate, innocent* prisoners suffer infinitely more than all our citizens abroad.

Some years since, a young man by the name of Brown was cast into the prison of this city for debt. His manners were very interesting. His fine dark eyes beamed so much intelligence, his lively countenance expressed so much ingenuousness, that I

was induced, contrary to my usual rule, to seek his acquaintance. Companions in misery soon become attached to each other. We delighted to practise together all the dear little acts of beguiling the tedious hours of our confinement. He played the flute, I the violin. Many times, after the jailors horrid rattle had summoned the debtors to their cells, and all the prison was still, have we paced the gloomy hall on the second floor, and by the aid of anecdote and song, fiddle and flute, cheated woe out of more than half her empire.

Brown was informed that one of his creditors would not consent to his discharge, that he had abused him very much, (as is usual in such cases,) and made a solemn oath before his God to keep him in jail "*till he rotted*" !! I watched Brown's countenance when he received this information, and whether it was fancy or not, I cannot say, but I thought I saw the cheering spirit of hope, in that moment, desert him forever.

There is an elasticity in the young mind that enables it to bear misfortune, sometimes with an unaccountable fortitude; but take away hope, and the secret charm that buoys up the mind is fled also.

It was painful to witness the gradual sinking-down of Brown's spirit from that moment. His conversation which before was always lively and animated, became dull and desultory. His ruddy cheek became pale, and his lips livid. Sometimes he roused the energies of his mind, and collecting together all the

forces of religion and philosophy, he half persuaded himself that freedom was not essential to happiness. A glow of fire would pass over his countenance—but it was momentary. It was the instinctive struggle of the mind to preserve itself against the slow benumbing poison of despair.

If you have cultivated some favorite flower admired its beauties, and been delighted with its rich fragrance, you may form some idea of my attachment to Brown. If you have seen that flower withering prematurely into decay by some fatal influence over which you had no control, you may judge what were my sensations when I saw this youth slowly sinking into the tomb.

Nothing gave Brown pleasure but the daily visits of his amiable wife. By the help of a kind relation she was able to give Brown sometimes, soup, wine, and fruit, and every day, whether clear or stormy, she visited the prison to cheer the drooping spirits of her husband. She was uncommonly pretty. She seemed an angel, administering consolation to a man about to converse with angels. One day the hour of one o'clock passed, and she came not. Brown was uneasy.—Two—three, and four o'clock passed, and she did not appear. Brown was distracted. A messenger arrived. Mrs. Brown was very dangerously ill, and supposed to be dying in a convulsive fit.—As soon as Brown heard this, he darted to the door with the rapidity of lightning.—The inner door was open—and the jailor, who had just let some one in, was closing it as Brown passed vio-

rently through it. The jailor knocked him down with a massy iron key which he held in his hand, and Brown was carried lifeless, and covered with blood, to his cell.

There is no vice in the catalogue so great and unpardonable in the estimation of a jailor, as an attempt to escape. "Blast him" said the jailor, "I wish I had killed him." The murder was warranted by law, and the law, it seems, is far superior to the gospel.

As soon as Brown recovered, he wrote a supplicating note to his creditor, requesting that he might see his wife. The creditor had nothing to do with the affair, he had left it to the attorney. The attorney had left it to the sheriff—the sheriff to the jailor—the jailor "would see him damned before he would stir a step for him"—In the mean time, conceive, if you can, the agony that tortured the soul of this most miserable debtor.

In Carthage or in Algiers, a prisoner under such circumstances would make known to the American government the story of his sufferings. The editors would publish it from city to city, and state to state, throughout the union. The government would feel it an indispensable duty, to levy taxes, raise soldiers, fit out fleets, and pay ransoms for the prisoner's relief—orators and statesmen would excite a mighty uproar, and the skies echo with invectives against the savage barbarities of unchristian Algerines. But here, under the benign influence of our own *christian*

laws, the single circumstance of being *unfortunate*, the very circumstance which ought to excite commiseration, proscribes all pity and blasts all hope!

Mrs. Brown died, and her husband was denied even the sad privilege of closing her eyes. He lingered for some time, till at last, he called me one day, and gazing on me while a faint smile played upon his lips—he said, “he believed death was more kind than his creditors”—After a few convulsive struggles he expired.

Legislators and sages of America! permit me to ask you—how much benefit has that creditor derived from the imprisonment and consequent death of an amiable man, in the bloom of youth—who, without this cruelty, might have flourished, even now, an ornament and a glory to the nation?

No. III.

ESSAYS OF HOWARD.

BY A PRISONER.

“Pluck out affection ! all bond and privilege of nature break !
Let it be virtuous to be obstinate ! Never be
Such a goslin as to obey instinct”.....*Shakspeare.*

IF I can demonstrate that imprisonment for debt is a barbarous custom, not founded in reason or humanity, but growing out of wicked passions;—that it is the *old child* of a dark and savage age—fostered and pampered by the laws of these *enlightened* times ; that it is contrary to the spirit of the constitution of the United States of America, and incompatible with that liberty which our fathers purchased at the price of blood, and which they bequeathed to us as an inheritance more precious than life—If I can show to a logical or mathematical certainty, that it is expressly forbidden by the sacred Jewish laws, and denounced as a sin by the word of Christ himself ; I shall do just about as much good as a man who desires to move a mountain, and heaves only a pebble against its side.

What has pride ? or what has the liberal spirit of the constitution, to do with the short-sighted policy of these hot political dog-days ? who among the

enlightened sages of our state legislature, will dare to stand forth in the cause of humanity, justice and religion, when the almighty "spirit of party," beckons him to the "wayward side !"

Too much occupied about the promotion of party interests, and heated in the *laudable* pursuits after office and emolument, our legislators cannot possibly pay any attention to the *little, secondary* objects of humanity. To be sure, if the English or French put an American in prison, a host of demagogues rise up at once, blows a furious blast that rouses the passions of the people, and, echoing over the hills and through the vallies of the nation, turn the eyes of every body upon the "horrible cruelty !" "Only think !" "said one of these valorous and sturdy champions, as he was haranguing the mob about the inestimable rights of *liberty* pending an election. "Only think, the French have seized sixteen Americans and cast them into jail, away from their friends, where perhaps they linger, at this moment, destitute of every comfort of life. What think you of that, my fellow citizens !" "Why," replied a wag "it must be just such another place as that were you kept me six months for a debt of forty shillings !"

I appeal to the impartial judgement of every body and ask, is not the whole nation just as ridiculous as this doughty demagogue ?

Do we not bluster at a terrible rate if any other government touches the personal liberty of a citizen ? And yet among ourselves, do we not legally autho-

rise one citizen to deprive another of that liberty, for a paltry debt of forty shillings or less?

I knew a soldier in jail. He said he fought eight years for liberty. He was wounded at brooklyn—had two horses shot under him at Saratoga—and lost the use of his right arm at York Town. His liberty cost him very much. But a justice of the peace took it away from him, because he was poor, and could not pay the sum of three dollars and seventy nine cents.

Is it a sin to be poor? Is it a crime to owe money? If so, gentlemen members of the legislature, I conjure you, in the name of the constitution, to promulgate them as crimes. Set them down in the catalogue of state misdemeanors—fix a proportionate punishment—suffer a jury to decide upon them—and an independent judge to graduate the penalty and the penance, according to promulgated laws.

At present, alas! the creditor alone calls the debtor a criminal. A jury finds the debt due. The creditor, then, is sole judge of the extent of the punishment which the debtor shall endure, and the law supplies him with power to punish precisely according to his vendictiveness.

What! a man judge in his *own case*? Is not this a little unconstitutional? Yes—but it is the custom, and—therefore superior to law—superior to the constitution—“pulls justice by the nose, and spits in the face of religion.” It is the *usage*!

Thus methinks, I hear the law of the land, asking—‘Good Mr. Creditor, how long doth it please

your angry and merciless humor to persecute your debtor ? however wicked and malicious you are, we tender you the irresistible force of all our statutes to aid and support your immoral majesty !” To which the creditor replies, rejoicing—“ excellent law ! wise law ! superior to the *discarded* prejudices of humanity and religion—that despiseth God—and worshippeth MAMMON !”

Short sighted, and pitiful sticklers for the system of imprisonment for debt ! ye who cry aloud in the markets about political freedom, and vote in the councils for personal slavery—take notice, that, although I am poor and a prisoner, I, nevertheless, peep from my little tower, and mark ye all. Know ye, “ye simular men of virtue,” I will not cease in the name of humanity—in the name of justice—in the name of the constitution—in the holy name of religion to denounce you.

No. IV.

ESSAYS OF HOWARD.

BY A PRISONER.

*Bona debitoris, non corpus abnoxium esset.....*Livy, b. viii.

The property of a debtor should be liable for a debt, but by no means his body.....*Tr.*

If any person supposes that any part of my representations of a debtor's misery, is in the least exaggerated, let him take the trouble to enquire, but a little, into the history of debtors, and I pledge my word, as a man of humanity, he shall find that I have confined myself within the limits of truth. To be sure, I have given fictitious names, and have, from proper motives of delicacy, endeavoured to mislead *impertinent* inquirers, by assigning dates and places such as would best answer my object. But I give the public assurance, that if any man shall desire it for a *laudable* purpose, I will produce inconvertible evidence to prove, that my humble descriptions are substantially correct.

Two and twenty years did a man linger away in prison for *debt*, in the county of Orange. More than fifty citizens have died in jail, to satisfy the *malice* of creditors. Not a year passes down the lapse of time, in which more than two thousand people are not imprisoned in this city—imprisoned—not for crimes—but—for misfortunes.

Such a scene of affecting misery affords incidents, more touching than any that can be found in ranging the fields of fiction ; for no fancy, however glowing—no pen, however inspired, can form and paint such heart-rending pictures of woe, which are daily exhibited in a debtors' prison. Deeply impressed with the truth of this remark, I feel that I should injure my designs by a departure from facts—that I shall be more pathetic when I adhere to real incidents.

If, for instance, I should wish to excite the feelings of the *humane* part of the community, by holding up to their view scenes of distress, how ill-judged it would be for me to soar into the regions of fancy after objects, when, by opening the door of a prison only, I could exhibit—not images of woe—but woe itself—in all its sickly, pale and touching forms.

Let no one, therefore, whose attention may chance to catch the simple relations of HOWARD, lay down the paper, under an impression that his tales are tales of fiction. Rather let him take the alarm—fly to the magistrates of this free land—trembling ask “if such things be?” And, when he is answered that such are, and “overcome us like a summer’s cloud, without our special wonder”—let him go forth into the streets—“uproar the universal peace”—and from every house-top cry aloud the alarm of—*slavery*.

It is my determination to awaken public feeling in behalf of debtors. They are a part of the community “more sinned against than sinning”—and it is high time that something should be done to relieve them

from the horrid oppressions of creditors and jailors. To see one or two hundred of my fellow creatures, for misfortunes only, caged like a flock of beasts within a pent and stinking prison—starving, or miserably kept alive by the meagre soup of stinted charity—does not melodise with the received notions of liberty or humanity!

For more than two thousand years have the reasonable and humane, in all civilized societies, exclaimed against the cruelties of slavery for debt.

Plato, who was ransomed from slavery four hundred years before the christian era, by his friends generously paying three hundred drachmas for his liberty, was, in my opinion, very nearly as wise and good a man as any gentleman advocate of our days for the system of imprisonment for money. He said that *that* principle was a stain upon the GLORY OF A REPUBLIC. Diogenes, who was also a slave until his freedom was purchased by the great services which he rendered to his master, spoke against imprisonment or slavery for money, as an inhuman vice. Every celebrated philosopher, from that remote period of antiquity, down to this *enlightened* and *republican* age, has agreed with Plato and Diogenes; but the more *humane* and *wise* politicians who have framed laws for commerce and creditors, have thought imprisonment necessary to commercial interests. Hence liberty, for two thousand years, has been shamefully sacrificed on the altar of trade, and avarice has so long maintained a most disgraceful triumph over reason and humanity.

Without hesitation, fearless of consequences, and proud of my undertaking, I engage on the side of *liberty, justice and humanity*, determined to exert my little might in the warfare against slavery and avarice. Boldly, therefore, do I throw "the gauntlet to the world," and here avow to "take a tilt and break a lance" with any man who dares to say that imprisonment for debt ought not to be abolished forever from the **REPUBLIC OF AMERICA**.

The histories I am about to record, I know to be true, either from my own observations, or the testimony of credible witnesses. As my remarks upon jailors are sometimes harsh, it becomes me to say; that I think Mr. Murden, the present keeper, and his turnkeys, are justly deserving of applause for their uniform kindness to prisoners.

It pleases me, also here publicly to pay a sincere tribute of praise to the great body of creditors in the city of New-York. Perhaps no class of merchants in the world treat their debtors with half the lenity displayed by most of the merchants of this city. But there are some few exceptions, and they shall most assuredly, receive the homage of my attention, not merely now, but so long as my heart beats indignant at the recollection of their unfeeling persecutions.

The greatest villains that appear on 'Change—those, who stalk the Coffee-house, to practice *usury*, and are masters of money because they have been perpetrators of *frauds*, are generally the most unrelenting creditors. Even some who have been them-

selves unfortunate and dependant on the mercy of others for their liberty, have steeled their hearts against mercy, and barbarously driven their debtors to that prison, from which they themselves have fervently begged to be saved.

I have evidence to show that, in three cases, those very men who, but a little month ago, were debtors, notorious for their supposed fraud, and who made the "welkin ring," with the story of their cruel sufferings in confinement, are now "stern, obdurate, flinty, rough, remorseless, lying, persecuting" creditors—taking away the liberty, and blasting the reputation of men better than themselves.

They say it becomes us, poor debtors, tamely to wear the chains, and bow our necks to the yoke of slavery, without making one honourable struggle for liberty! For myself, however, I swear decidedly to oppose, by every legal means, this base, degrading system.

Like the unfortunate Roman debtor, whose history is recorded by Dyonisius Halicarnassus, who made his escape from his creditor's house, and appeared in the forum covered with wounds, I mean to shake my chains even in the face of the senate, until, like him, I restore to my country her long lost civil liberty.

I do not mean to say that all debtors are innocent; but I will never rest from my labours while I see them tried condemned and punished by their arbitrary and malicious creditors, without the constitutional privilege of a trial by jury.

Among the Grecians, more than nine hundred years before the mild doctrines of our glorious Saviour were known to mankind, that creditor who charged his debtor with fraud was obliged to prove the charge according to law ; and if he failed in his proof, he was considered as a criminal, and punished with severity ; but the debtor was released.

How many debtors who now languish in prison would immediately breathe the air of liberty ; how many creditors, who maliciously weave the charge of fraud, would go to jail ;—if boasted Albany were as enlightened as Athens—and the laws of republican Greece governed the United States of America.

No. V.

ESSAYS OF HOWARD.

BY A PRISONER.

I could endure chains, no where, patiently; and chains at home, where I am FREE by BIRTHRIGHT,—not at all... It would disgust and shock me !.....*Cowper.*

WHEN that great philanthropist, Mr. Howard, of England, was confined in a gloomy dungeon in France, much as he suffered for want of wholesome food and pure air, it was not for himself alone that his heart was touched with sorrow. As he cast his eye around upon his fellow prisoners, he saw their pale and meagre countenances, and forcibly felt the mingled sensations of horror and pity. Some were made frantic by despair, and the walls of their dungeons echoed with incoherent but expressive reproaches to their keepers. Others sunk silently down on a pallet of straw, and fastening their blood-stained eyes on Mr. Howard, they expired, the wretched victims of unfeeling oppression. To the heart of sensibility, no appeal is so eloquent and irresistible, as the last look of a dying man ; it is an appeal made on that awful isthmus that separates time from eternity. It was not lost on Mr. Howard. Silently and solemnly he vowed before that God

whom he never ceased to adore, that if HE should be graciously pleased to preserve his life and grant him liberty, he would devote the residue of his days to the noble and glorious task of "giving the prisoner relief." He performed his vow. He made a "circumnavigation of charity." He was the pride of England, the admiration of the world; and poets and orators united to praise him.

The prison itself would sooner convince men that imprisonment for debt is morally wrong, than all the logic that could be used on that subject. Let, therefore, the most obstinate supporter of the present laws by some unforeseen accidents be involved in debt; let some exasperated creditor cast him into the miserable receptacle of debtors. Let him witness the scenes of riot, drunkenness, debauchery and vice, of a prison. When the hour of refreshment arrives, there shall be no food for him—when midnight comes, faint and famished as he is, he shall have no place of rest. He shall be sick, but no physicians shall attend him—he shall tell his sufferings to his keeper—but instead of sympathy he shall meet with curses. Let him breathe the air of pestilence in summer, and no fire shall cheer him in the blast of winter. He shall subsist on the scattered crumbs of charity, with just strength enough to drag about his emaciated body, and the weight of his miseries shall so exhaust the powers of his mind, that he shall have but just enough intelligence to understand how abject and wretched

he is. When experience, the best teacher in the world, shall make him thus acquainted with the subject, on a sudden open the doors of his prison—give him to snuff the enlivening air of heaven, and to resuscitate under the invigorating influence of joyous liberty—send him to the capitol, and let him sit in the legislature on the grand question, to abolish the degrading system of slavery for debt. If he vote against the abolition—he is not a man, but a fiend—he is the inveterate, irredeemable enemy of liberty.

The advocates for imprisonment for debt ought to acknowledge, (if I can clearly demonstrate to their understanding, that the system is neither *right* nor *expedient*,) that forthwith it should be altered or changed for a better one. Let us see how it operates on the morals of men.

In the year 1803, the yellow fever raged in this city with relentless fury. Every where the citizens fled from the destructive pestilence ; the rich resorted to the seats of fashion and pleasure, the poor sought refuge in those shelters provided in the suburbs of the city by the benevolence of our active corporation.—Humanity exerted herself in favour of every class of the community—except the debtors.

It seems as if this class of people have at all times been the legitimate heirs of misery, the step-children of society, whose peculiar lot it is to suffer in secret, without even the consolation of sympathy.

Those who have never reflected on the subject, do not know how much the debtor, shut out as he is from

all pleasures, values even the slender joy of listening to the bustle of the busy city. Nor can they well understand how terrible was the gloom that prevailed in the prison, when pestilence had banished every one from town, and not a cart was heard to rattle on the pavements. When the prisoner ascended to the top of this "castle of indolence," instead of the beauty and gaiety that wont to enliven the prospect, he saw the houses and shops every where closed, and every object seemed to wear the appearance of death and desolation.

Among the prisoners who endured the indescribable horrors of this season, there was one named Smith. His wife and two daughters kept a boarding house in Water street. They were too rich to be included in the class that was provided for by the corporation, and too poor to support the expenses of an exile in the country. They were, however, preparing to tax the friendship and charity of some of their neighbours for a little loan of money to enable them to move with their boarders to Greenwich, when Mr. Smith was arrested for a small debt, and thrown into prison.

This misfortune disconcerted their plan—the neighbours fled, and to increase the miseries of Mrs. Smith, the boarders, who had hitherto contributed to her support, fled also.

For a few days Mr. Smith was consoled by the visits, sometimes of his wife, and sometimes of his daughters. They brought him food. I witnessed

the joy with which he received them—the painful anxiety with which he awaited their visits—the relief he felt when he heard they were well—and above all, the horror which he expressed when he first heard that his wife was sick with the fever. His daughter brought him this information. She said that no physician would attend her mother for fear of catching the disease—that doctor *****had prescribed, but without seeing the patient; that her fever was very violent, and made her sometimes quite delirious. In this season of woe, it was the task of one of the daughters to take care of the sick mother, while the other prepared food and carried it to the father.

Let the gay and licentious stop a moment in the *business* of their pleasures, and contemplate the interesting picture of these two daughters, walking thus unhurt amid the pestilence, in the holy occupations of filial duty!

The rest of the tale is told in a few words. Not long did they walk unhurt—first one, and then the other, was seized by this terrible epidemic. And, will you believe it? reader! no entreaty, no bribe, within the father's power, could prevail on any one to go to his house to bring him information of his family!

I will not undertake to describe the heart-rending anxiety of that father, nor the horrors and tortures endured by that deserted family—but show me the man who can say that their sufferings are not more than

commensurate for the SIN OF DEBT ! The first and last information this unfortunate father ever received of his family was in the newspaper. They were buried in Potter's Field.

The father starved awhile in jail, till, at length, goaded by his sufferings, he forged a check on the Manhattan Bank, was transferred to Bridewell, and from thence, after trial and conviction, was condemned to the State Prison for seven years. Soured by misfortunes, and rendered misanthropic by unmerited sufferings, he exulted in his crimes, and often was heard to advise people rather to be a criminal than a debtor in this country, for that society here furnished the criminal with the conveniences of life, while the debtor was suffered to starve. He at length died, the enemy of society, cursing men ! And this is one among the millions of instances in which slavery for debt has destroyed families, and ruined the morals of a man, who, under a rational government, might have lived, the defender of liberty, and a disciple of religion.

Unfeeling, cruel, pitiless and remorseless creditors ; and, legislators of New-York, careless, heedless and criminal as they, whether ye sleep or wake, may the spirits of injured Smith and his suffering family give ye no peace till your hearts shall be touched with pity, and your eyes be opened to the folly of your ways.

No. VI.

ESSAYS OF HOWARD.

BY A PRISONER.

Say ye, oppressed by some fantastic woes,
Some jarring nerve, that baffles your repose,
How would you bear in real pain to lie,
Despis'd, neglected left alone to die..... *Crabbe.*

ALL laws relative to imprisonment for debt are made for the convenience of trade, and encouragement of commerce. Admitting the laws on this subject, now in force, to be morally just, and for the sake of argument only, will I admit them to be so, let us enquire whether they answer the great object for which they are made.

For the purpose of securing creditors, the law allows of arrest and imprisonment for debt in all cases, except that of a citizen having a family who is sued for a sum under twenty five dollars. Under this authority of law about two thousand five hundred people are annually imprisoned for debt in this city only. Excluding Sundays, this number will average nearly eight persons per day. What would we say of Hayti and Tripoli, of France and England, if, for the convenience of trade, they should imprison eight of our citizens per day, and give them the LIBERTY of starving in prison?

Of this number of prisoners, how many are *compelled* to secure their debtors? this is an important inquiry, and I venture to say decidedly, that the answer will be conclusive against the present system. I have taken great pains to satisfy myself on this point, and of the last twenty-five hundred, who have been imprisoned for debt, I defy any one to shew me fifty instances in which either the debtor or creditor has been benefited by the measure. Admitting, for the sake of argument, that, in a few solitary cases, the plaintiff has obtained from the unfortunate prisoner the amount of his claim—is this a sufficient reason for *all* the cruel oppressions of the existing law? Is the reward of one persecuting creditor, an atonement for the useless tyranny of twenty? Can there be justice or liberty in those laws which permit one persecuting creditor to secure his debt by means of his cruelties—and at the same time say to the other nine forbearing and humane creditors, “verily oppression hath its reward, but ye who have virtue shall depart without gain.”

I knew a merchant whose integrity was never doubted. Embarrassed by the failure of a friend, whose security he had been in the regular way of trade, Mr. Porter, (for so I shall call him) offered the whole of his property to his creditors, provided they would consent to give him a discharge. They refused it. He asked a license. The creditors differed. Some were willing to give him a discharge; others refused even a license. Then commenced

against this man the abominable and DESTRUCTIVE warfare of the law.

Those only who have become embarrassed by misfortunes which no human wisdom can guard against, who, in the keen and bitter agony which such misfortunes inflict, have honorably offered all their worldly possessions for their LIBERTY!—who have felt their last buoyant hope die in their bosoms at the cruel rejection of *that* offer—can possibly conceive what were the feelings of Mr. Porter, when, for the first time in his life, the horrid perspective of our debtors' laws flashed on his imagination. In France, where we Americans believe there is no liberty, such a man might rest, with some little hope, on the *mercy* of law. In Holland, where we think they are all slaves, such an offer would guarantee a man the safety of his person, and the blessed RIGHT of liberty. In Denmark, the king himself would have taken care that no creditor, however much his avarice might thirst for gain, or his vindictive passion prompt him to persecution, should have dared to speak even against the reputation of an insolvent, so blameless and honest as Mr. Porter. But here, in this land of liberty, science and religion, Mr. Porter realised the melancholy truth, that no power *humane* or *divine* can save the child of misfortune from the fangs of leagued oppression, when the hope of gain, or the pleasure of revenge urges it onward.

As soon as one creditor sued Mr. Porter, another, and another followed in the chase, till, at last, fearful

of losing some advantage by delay, even his friends turned against him the engine of law.

Woe to the poor man, who in the downhill of fortune, is first kicked by one of his fellow beings ! It is the terrible token that gives the children of humanity the right to kick him again. Men in prosperity are like those dolphins which play in the sun ; if they meet with one of their species who has been unfortunately wounded, they chase, worry and destroy him.

It would astonish the sticklers for our present laws to see what joy there was among the lawyers at the immense increase of law business on Mr. Porter's failure. They issued writ after writ ; received their fees ; put them in their pockets, and smiled most graciously on the *equity* of laws. The sheriff gravely distributed the writs, the deputies laughed, while the jailor and the turnkeys chuckled with delight.

It is worthy of remark, that lawyers, sheriffs deputies, clerks, jailors, turnkeys, justices, constables and marshals, are the only gentry who derive any very great benefit from our present insolvent laws. It is not their fault. But the legislature ought to blush at the negligence which year after year delays a remedy for such disgraceful evils.

Mr. Porter gave bail to the first writ, then to the second ; but they came too rapidly upon him. He went to jail. Every creditor aimed to secure his own individual debt. Our law allows this. Some

made proposals to compound—others threatened. He would willingly have yielded all his possessions for the benefit of the whole of his creditors, provided they would discharge him. No suffering could move him to make a partial payment. He was inflexibly honest and faithful to the whole—and thereupon every body called him a very great cheat, who had property and would not pay his debts—but lived in a most splendid style—in jail !

After that man had been eight years in the prison of the city and county of New-York, his creditors proposed to give him his liberty for his first offer ! Let the adorers of our present ‘wise and mild provisions for debtors and creditors,’ remember his reply : ‘No !’ said he, while his proud heart swelled with becoming indignation, “give me back the many years I have lived a prisoner in this land of liberty—restore to me the reputation which you have blasted forever—re-invigorate my broken constitution, and heal, if you can , my wounded spirit—then—perhaps—I will accept your tender mercies, and, once more, venture *naked* on a cruel world !”

Thus it is, that under our “*wholesome law*” a creditor wants his money and cannot obtain it if the debtor refuses ; that the debtor sighs in vain for his freedom when his creditors say he shall live in SLAVERY !

Sons of Columbia ! It is said that I appeal to your feelings and not to your reason, on a question of liberty. On such a question I disdain the American

who tampers for a moment with the logic of tyrants. They have put their foot upon my neck, and ask me "to **SHEW CAUSE.**" I remonstrate against their cruelties—and they demand my *reasons*! But let it be remembered that argument was a trick used by oppression in seventy-six—and that America might have lost her liberty if her elevated spirit had stooped to parley with the foes of freedom.

No. I.

DIOGENES TO HOWARD.

SIR,

You must not presume that I come forth as the *impassioned* opponent of the *abolition system* you have so long, and in vain, labored to support, but rather extend that liberal charity towards me you have generously tendered to the man who “*honestly* uses the right of expressing his own opinion ;” and I beg, at the same time, to be allowed a share of that *opposition* “which springs out of a zealous and earnest desire for truth and justice,” and which you are determined, at all hazards, to indulge yourself.

You will find in me neither “passion, hypocrisy or unfeeling oppression ;” these ridiculous, hated and inhuman qualities have never yet had possession of my soul, and God forbid they ever should. At present I am dispossessed of “prejudices or growling ill-nature ;” and if sometimes I am overcome with the latter failing, it is excited by the follies or villainies of mankind. For this, I shall never deserve the *lash* from any *corporal* in the service of Civil Liberty, nor hide myself for fear of being exposed to the gripe of your merciless clutches.

At present I feel good-humored enough to give due acknowledgement to the pathetic, feeling and humane numbers, which have flowed so movingly

from your pen, and must confess have sympathised with you in the misfortunes and distress of the few of our fellows you have described ; have checked and chid the involuntary tear while rolling down my cheek, and, in a pet with myself for my weakness, bethink me that this rant is ever the production of some interested impostor, calculated to awaken the pity and take advantage of the feeling of sympathising credulity. Still I would as readily extend my hand for their alleviation as yourself ; and I regret much that the laws cannot be framed for the honest but unfortunate debtor exclusively, without allowing the greedy, wicked and profligate class of society to participate in their lenity. But instances are rare, in this city, where the industrious and worthy man is an example of the cruelty and inhumanity of our civil code. I would ask if nine tenths of the objects of your tender concern have not brought themselves to that *grave of liberty*, which you are pleased to reprobate in such *delusive* and high-sounding terms, by their own misconduct and folly ? Must the knavish abandoned rake riot in debauchery—he let loose as a prowling beast to prey upon the unwary—to riot in luxury, and fatten in idleness from the earnings of the industrious ? Where the prisons thrown open as you propose, and that horde of villains and lazy impostors let loose upon society, they would spread like a contagion, and one half the country would be the poor drudging caterers for the maintainance of the other half of idle vagabonds. What insecurity would it not produce—what confu-

sion—what distrust ! The mechanic would be cautious at engaging in any work, fearful that when he had completed it he would not be paid for his labour. The trader would be equally suspicious that the man, who at this moment is bargaining for his goods, at the next may walk off with them under his arm without the fear of ever being brought to an account for them—for where is the remedy ?

You say that it were better that ten guilty persons should be set at liberty, than that one innocent should suffer in this way. Granted—in the evil would stop there. But, were these ten suffered to finish their earthly career in the same improvident and licentious manner, they would be the very means of bringing ten times ten honest and worthy citizens to that jail of wretchedness from which you are fighting to liberate others.

No, sir ! there is no instance where *Pope's partial evil* points more immediately to *universal good* ; and the present system is the only one from which we can make a nice discrimination of the trust-worthy part of mankind. It points out the greedy knave desirous of enriching himself by the credulity of less artful men ; the lazy vagabond, who had rather lie in prison a month than pay a trifling debt by a week's labour : the debased prostitute (of which our prison has its full proportion) who is totally careless what ruin she is the instrument of, or who suffers to contribute to her extravagant and indolent existence—These, by being pent up for our inspection, are

not only examples, and serve as a beacon to warn the giddy, in the hurricane of life, from trusting their barks to the same channel; but, the industrious sober citizen, toiling for the support of his family, and with the hopes of having something provided for a rainy day or the decrepitude of old age, may guard against disappointments, and probably his ruin.

No person, sir, can be a more strenuous advocate for liberty than myself—none more interested in her cause; no breast heaves higher—no heart throbs with more ardent love for this my happy country, the treasure and guardian of that heavenly blessing. And I think that nothing would tend more to its corruption and extinction—to anarchy and despotism, than that unbounded licentiousness which your system seems calculated to produce. It is the policy of all governments to keep its citizens in subjection; not that they should become the slaves of tyrants, but merely the subject of the laws. Liberty does not consist of doing what we please—to live without any civil restraint, as you would seem to advocate; but in adhering to that which the law enjoins, which secures the independence of each individual; and in obedience to these restrictions, every man may live in the enjoyment of equal liberty.

Your invective against the lawyers, &c. I subscribe to with all my heart. They are the vultures that fatten on the weakness, distress and folly of their fellows—

“Sticking like leeches till they burst with blood.”

Many of the poor wretches who are now the objects of your commiseration, have at last found themselves the victims of their artifice, and the dupes of a misplaced confidence in those voracious hyenas of the law. If the legislature would exterminate this poison from our state, society would be much more happy, more harmonised, and less subject to commotions and fomentations.

No. VII.

ESSAYS OF HOWARD.

BY A PRISONER.

'Tis fortune brings us to the fate you see ;
And your condition may be soon like mine—
The child of sorrow and of misery.....*Anon.*

HAVING perused the letter addressed to me -by *DIOGENES, jun.* with much attention, because every essay on the subject of imprisonment for debt is, at this moment, especially worthy of the notice of all the citizens of United America, I permit myself to be diverted from the plan which I had predetermined to pursue, and devote a little of my time to the task of replying to that gentleman.

As *Diogenes of Pontus* was a half-mad, misanthropic snarling philosopher, I feel, as becomes a christian, all the charity which *Diogenes, jun.* is entitled to on account of his *hereditary* churlishness ; and as he says he is in a good humour governed by a zealous and earnest desire for truth and justice only, and “dispossessed of all prejudice and ill-nature,” I shall take him at his word.

To excite the tear of sympathy is *Howard's* desire; to “check it in a *pet*” is a part worthy of *Diogenes*. That I have caused a tear to flow from the eye of any

human being by the unadorned narrative of a debtor's misery, is to me a most grateful evidence that I have *not* "laboured in vain." But that I have wrung a tear from a cold, calculating misanthrope, from one whose cynic nature had prejudged me "an interested impostor," while he yielded to my story till he wept—this is a triumph far exceeding my most sanguine expectation, and more than rewards me for what I have done. With such indubitable testimony of the success of my Essays, I feel my bosom animated by the fresh hopes : nor can I believe *Diogenes*, when he says that *I labor in vain*.

Admitting for a moment that "nine tenths of the objects of my tender concern have brought themselves to the *grave of liberty* by their own "misconduct and folly."—Let me ask, is a man's liberty to be taken away for years on account of *misconduct and folly* ? If so, *Diogenes* I pray thee beware ! Even thy nature may not be perfect ; and if *misconduct* or *folly* should chance "in the hurricane of life" to lodge thee in these gloomy cells, where I have languished sixteen years, thou mayst find, too late perhaps, that the punishment is by far too excessive for such venial offences.

Let me tell you, sir, for it seems you are not aware of it, that the debtor's suffering is far more severe than the most abandoned criminal's. They both alike are doomed to confinement ; but the criminal has a cell more comfortable, or rather, less wretched than that of a debtor, 'The criminal has excellent food provi-

ded by the state ; the debtor may starve unless the humane choose to give him sustenance. A comfortable fire cheers the confined criminal in winter, and the law supplies him with good cloathing, bed and bedding. The debtor has no fire—no clothes—no bed or bedding. Cold, cheerless and miserable, he suffers through the inclemency of our seasons, or dies the wretched victim of oppression. Under the benevolent care of that most worthy class of citizens, the **FRIENDS**, the state prisoner passes his days in cheerful labour, and in some degree is useful to the state ; but the prisoner for debt is condemned to absolute indolence—is useless to his country, and a burthen to himself. They both are alike sufferers in infamy ; for even you, sir, *charitable* as you are, believe every *persecuted* debtor an “abandoned knave,” and, every friend of that injured class of people “an interested impostor.” You will answer, perhaps, that our prisoners for debt do not starve, because the **Humane Society** give them soup once in twenty-four hours.—You, even you, *Diogenes junior* ! the unfeeling or unthinking advocate of the present inhuman system of laws, must admit that if the forlorn condition of debtors is so touching as to move the compassion of a *body corporate*, this circumstance alone is such a shocking stigma on the character of the state, that it ought to raise a blush on the countenance, and strike a pang of remorse to the heart of every friend of his country. I know not how to speak in terms sufficiently indignant against the shameful injustice of those laws, which carefully provide all the necessaries of life for

the midnight incendiary—for the wretch who endangers life by burning the city, while they thrust hordes of men, guiltless at least of *crime*, into a dungeon to starve, or drag a loathsome existence, dependant on the stinted gifts of charity.

Diogenes says that “instances are rare, where the industrious and worthy man is an example of the cruelty and inhumanity of our civil code.” Who are the judge of the worth and industry of debtors? A jury of peers?—No. An impartial and disinterested judge?—No. Is the debtor in any shape whatever put upon trial? Does he confront his accuser, and face to face meet the charge of *misconduct* and *folly*?—No. Does he hear the voice, or see the countenance of a witness against him?—No.—These are the privileges of *criminals*, not of debtors. These are blessed bulwarks raised by the sages and heroes of the revolution, to guard against the encroachments of despotism, and protect every class of American citizens, excepting debtors! These are the hereditary legacies of our noble fathers, sealed with their life-blood, and guaranteed by the constitution to every being but the “prisoner for debt.” Terribly and cruelly does he feel the arm of oppression, but he cannot meet it. The unseen stroke of an interested, angry and furious power cleaves down his liberty and breaks his spirit.

It is triumphantly asked “if the knavish and abandoned rake must riot in debauchery?” I answer, that he must be very short-sighted who cannot see that “the rake riots in debauchery,” and “fattens on the

industry of others" notwithstanding the "partial evil," and "*universal* good" of the present system. For so defective are our laws that "hordes of villains," "lazy impostors," and defrauding USURERS, are let loose upon society, while very many of their unfortunate *victims* are cast into confinement.

Yet, admitting that the present system is intended to bear down only the "greedy knaves," "the lazy vagabonds," and the debased prostitutes," let me ask who now determines the fact of "guilty or not guilty?" The person, of all others in the world, the least capable of doing impartial justice to the case. The exasperated creditor himself determines the fact of criminality, on the issue of which hangs the liberty, the happiness and even the life of a free-born citizen of America. And, now I appeal to the candor of Diogenes, junior, and ask if his own judgment does not declare, that a law which suffers a single interested individual to nod away the personal and absolute rights of his fellow citizens in a case where all the bad passions play without any legal restraint, whether such law is not immoral, unreasonable, unconstitutional, irreligious, and unworthy the support of Diogenes, junior.

I assert fearlessly that he who justifies the present system, is either ignorant of its nature, or vicious in his heart. No man of humanity can approve of a law which permits an arbitrary creditor to bereave a man of his liberty, and starve him in jail, even allowing the debtor to be as guilty as the murderer.

Much less can the well-informed advocate for liberty tolerate the existence of an unconstitutional statute, which by *possibility* only, may place the personal liberty of a citizen at the mere MERCY of any one man, or any *conspiracy of interested men*.

Fatal experience has taught us that "if once it were left in the power of any one man arbitrarily to imprison another, there would soon be an end to all rights and immunities." A justly celebrated writer has said, that "unjust attacks, even upon life or property at the arbitrary will of a man, are less dangerous to a republic, than such as are made upon the personal liberty of a citizen. To bereave a man of life by the violence, or unjustly to take away his estate without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the state: but *confinement of the person*, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and, therefore, a more dangerous engine of arbitrary government."

I cannot agree with my friend Diogenes, when he says that the legislature ought to "*exterminate*" the lawyers from our state! "They are better and worse than other men." But this is a question foreign from my subject.

On the ground of argument I shall meet *Diogenes junior* with pleasure, to discuss any question arising out of the present system of laws. I say they are not

only a *partial*, but a *universal evil*, productive of no good. And I am pleased to learn that the respectable body of the grand jury of the city and county of New-York, and the Humane Society also, who have visited our jail, and are *acquainted* with the effects of the present laws, differing a little in opinion from *Diogenes junior*, have with a philanthropy and zeal becoming enlightened freemen, denounced the system as a public grievance.

No. II.

DIOGENES TO HOWARD

SIR,

You have concluded a very lengthy argument, in the last Saturday's *Columbian*, by throwing the gauntlet to *Diogenes junior*. This is a little unexpected, as I could scarcely believe you would for a moment be diverted from your *humane* purpose to reply to one who possesses all the misanthropic snarling qualities of his great primogenitor—the ancient Grecian. Would I were the hereditary heir of his understanding, his energy, magnanimity and firmness of mind. I feel myself much deficient in intellect even to reply to Howard on a subject which is well adapted to enlist the partialities of the better part of mankind for a trifling bounty : else would I convince him, whose heart, melting at the first tender impression, is unable to bear the weight of logical reasoning, that should the cause he is engaged in ever succeed, it would soon plunge us into every species of disorder, and bring down the execrations of every worthy and well meaning citizen on its projectors.

You have the winning side of the argument—consequently every possible advantage. Well may you exult in the effect your moving essays have had upon their readers, and of drawing a flinty tear from the

eye of *Diogenes junior*—the “cold calculating misanthrope.” This, sir, is an evidence of the powerful influence a melting and pathetic tale of ideal distress has upon our nature. It is also a proof, that if we are drowned in tears at the relation of fictitious misery, no wretch, however deserving his fate and our neglect, will be suffered to perish in want of the common necessities of life in this land, where liberty dwells in as perfect refinement as the disposition of man, and the laws which are necessary for our mutual security and convenience will admit of.

Stern, undeviating justice shall ever be the policy I adopt and would recommend. Still I have a heart humane, benevolent and indulgent to the weaknesses of my fellows. To correct their vices will always be to me a most pleasing task. For stubborn folly and unrelenting villany I have no jot of charity. I will never advocate a measure that is not calculated to lighten the load of miseries which *misfortune* burthens us with. I have already stated my objections to letting loose prisoners for debt, and abolishing the system entirely; it is therefore unnecessary to repeat them, or to descant any longer upon the evils and confusion it would too certainly produce. If this law is abolished we may as well lay aside all others, and return to our original barbarity. The uncultivated savage, who knows no law but that of nature, and strictly obeys that, cannot fail to be happy. He follows the dictates of his conscience, which is the only law that restrains him. If he gives his fellow pain, he is

well aware that his fellow has the power of retaliating and paying him in his own coin, without any appeal to judge or jury to decide upon the measure or proportion. Necessity, therefore, compels him to adopt the christian maxim, "do unto others as you would they should do unto you."

Laws are the band which binds society together, and secures to us the advantages and blessing of social intercourse : none should be countenanced but those which have a tendency to promote the public good ; none abolished which have heretofore regulated society, and have proved salutary and convenient for the prosecution of business, without substituting others equally effective.

You observe that the grand jury have denounced the present system as a public grievance. If there is a remedy, without producing a greater evil, I will be among the first to advocate it. I *Diogenes*—cynic, as you are pleased to call me—unfeeling, unthinking *Diogenes*—am intent upon, and labouring with as much zeal as *Howard* to raise man to the perfection of gods—that they may enjoy every happiness of which their imperfect natures are susceptible ; and where reason proves ineffectual, satire and ridicule are brought in array to produce the intended effect. But let them beware, lest in repairing the fabric they leave something unfinished, or substitute unstable materials, and the whole edifice comes tumbling about our ears, to their shame and confusion.

It is an easy task to address the passions, and awaken sympathy and compassion. The introduction of a pathetic story—of a prisoner starving in confinement—his wife clinging round his neck—his children at his feet petitioning for bread—bereft of his liberty, and encountering all the horrors of his situation, without one gleam of hope, one glimmering ray of comfort to support him in his adversity—these are pretty stories for the entertainment of children by the winter's fire-side, but they lose their effect on a moment's reflection, with the conviction that incidents of that nature are never to be met with among us. I believe you cannot produce one instance (and well you might have anticipated this reply) where an individual has either starved with cold or hunger under our present cruel, inhuman and barbarous laws.

You have exultingly brought forward and contrasted the situation of the criminal with that of the debtor—that the life-blood of our revolutionary sages has cemented the bulwarks which guard the privileges and protect the rights of criminals, while the prisoner for debt is totally neglected disregarded—left unprotected to the mercy of an inhuman, unrelenting, merciless creditor, at whose disposal is his liberty and even his life. Barbarians! monsters! To think that sages and heroes should provide a comfortable establishment for the midnight incendiary and every outcast pest of society, and leave the unfortunate prisoner for debt a prey to wretchedness, and his very existence “dependant on the stinted

gift of a cold capricious charity." Here the wretch whom necessity urges to forge a check for a trifling amount to relieve him from his embarrassments; perhaps a wife hangs weeping over him, or children asking bread, have driven him to this act of desperation; he is drove in with the common herd, *indulgently* provided with "a coat of many colors," (which by the bye his proud heart may indignantly spurn) and set to hard labor at a daily task, by way of drawing out a *cheerful* existence in a place and on terms which his noble nature revolts at. There, the rioting spendthrift, whose prodigality has reduced an aged parent to beggary, and entailed misery on many an orphan sister, is finally stopped in his career by some *savage* creditor, whom his impertinence has insulted, or his debauched life disgusted, and is shut up in the debtors' jail, where if he is too lazy to work and enjoy the luxuries of life, (and employment of some kind can always be procured) he lives by the bounty of the charitable societies of the city. He has no lash hanging over his head to compel him to labour, no degrading badge to mark him for a slave, and mock his misery; and if his regret at the loss of liberty is not more poignant than that of the prisoner described by *Goldsmith*, I cannot conceive that his situation is much more deplorable than thousands of his fellows that drudge from day to day for the support of a wearied existence. To be sure, confinement may at first be a little disagreeable to one who has long fluttered on the wing of sensual

pleasure; but if any thing will reform him, this is the place where he will have time to collect his scattered senses, to reflect on his past life; and as the finger of scorn is not pointed at him, as is the fate of the degraded criminal, but his follies overlooked with the eye of pity, he may in time become an industrious and useful citizen.

I am not inclined to charity for the man who through sullen resentment or obstinate whim, encounter the *horrors* of confinement, where the downy sofa stands ready to receive his indolent carcase, or the luxurious sideboard groans with the weight of every dainty that can gratify the appetite or provoke the taste, when his creditors (probably industrious Mechanics,) are depriving themselves of the comforts of life in order to remedy the derangement his avarice or stubborn pride has made in their affairs. He is not an object of compassion, even though he should languish thrice sixteen years in those *gloomy cells*.

No. VIII.

ESSAYS OF HOWARD.

BY A PRISONER.

But ah ! what wish can prosper, or what pray'r
For *Merchants*, rich in cargoes of despair,
Who drive a loathsome traffic, gage and span,
And buy the muscles, and the bones of man ?... *Cowper*.

However stern, relentless *Justice* may censure the conduct of debtors, *Goodness* and *Mercy* ought not to desert them. For my own part, I have so long been an eye witness to their unmerited sufferings, that I know and fearlessly assert, that Justice herself, in her most rigid decisions, would never inflict a punishment half so severe as that endured by the prisoner for debt.

So far from this is the real fact, that JUSTICE weeps over the miseries of our debtors, and blushes for shame to think of the wrongs which are committed under the sanction of her name.

Know, therefore, Diogenes jun. and the ignorant and vicious part of the community, who, like him, are the unblushing advocates for oppression and misery, know that justice disclaims you, and frowns with indignation to see you prostituting her holy name to the purposes of vice. It is a trick of sin to

assume the semblance of virtue. No tyrant ever yet ventured his first steps towards oppression without talking of justice: and no enemy of liberty ever yet opposed the struggle of her sons to throw off the yoke of slavery without talking of the "confusion and disorder" it would produce, just like Diogenes.

I care but little what others may choose to think of tricks like those; but when a man tells me that thousands of my brothers *must* languish in prison for debt, without food, and deprived of every comfort that makes life valuable, and backs this impudent assertion with an uncouth attempt to ridicule me, for believing otherwise, I have a right to call upon the moral and religious, the liberal and the good, to join me in denouncing him. It is such beings as Diogenes, that in all ages, and in all countries, have impeded the progress of liberty, science and virtue. It was just such pseudo patriots who persecuted *Galileo* for introducing "*confusion and disorder*," by the lights of science, and such hypocrites who affected to believe *Faustus* was leagued with Satan, because he invented the glorious art of printing.

Among all the shameless supporters of vice, I never knew one, except Diogenes jun. who dared publicly to sneer at a person for cherishing pity for a starving debtor. Nor have I met with one enlightened man who did not readily admit that our debtors' laws are very defective, and in many respects inhuman and oppressive. The indolence of the legislature suffers them to exist, and it is only the ignorant or the vicious who speak in their favour.

It is a fact, that the law protect neither the liberty of the debtor nor the interest of the creditor. This fact is proved by the experience of debtors and creditors, and any man in the least acquainted with the history of our debtors' prison, knows this to be a truth. It is useless to reason to prove a fact so notorious. What shall we say of that man who, in the very face of such a solemn and conclusive fact, has the unblushing impudence to support the present system? How can we dare to sleep under laws which sport with the liberty of citizens, yet do not guard the interests of trade; which practice oppression under the mask of justice, and strip commerce of her rights under the semblance of protection!

Let it be remembered, that in opposing the present system, I advocate not merely the rights of debtors, but the interests of creditors also. And in doing this, I oppose inhuman cruelty, contend for good policy, and feel assured that justice herself, the spirit of our constitution, and the voice of humanity, are all in my favor. Well, therefore, may every opponent say, that I have the "winning side of argument, and consequently every probable advantage." Well may they say, that they lack ability to answer me. I am the more confident in my assertions, because they are founded in those principles of liberty and religion taught me by my ancestors; and they are supported by the opinion of philosophers, statesmen, sages and divines.

The learned Dr. *Samuel Johnson*, that giant of English literature, whose authority in ethics is uni-

versally admitted to be genuine, has declared, that "the confinement of any debtor in the sloth and darkness of a prison, is a loss to the nation, and no gain to the creditor ; for of the multitude who are pining in those cells of misery, a very small part only is suspected of any fraudulent act by which they RETAIN what belongs to others. The rest are imprisoned by the wantonness of pride, the malignity of revenge, or the acrimony of disappointed expectation." That great orator and statesmen, *Edmund Burke*, laboured much to abolish imprisonment for debt entirely. "I know," said he, "that *CREDIT* must be preserved ; but *EQUITY* must be preserved also ; and it is impossible that any thing should be necessary to *commerce* which is inconsistent with *JUSTICE*." He was speaking of English laws similar to ours, and he said they were so savage, and so inconvenient to society, that parliament, to be relieved from the dreadful evil of its own regulation, was obliged at times, to set open all the prisons of England. "There was not room enough to hold the victims of its own absurd laws."

"But," said he, "if the creditor has a *RIGHT* to the *CARCASS* of a debtor, the legislature is wrong to deprive him of that security. And if *HUMAN FLESH* is not necessary to his security, you have no right to detain the unfortunate debtor without any benefit at all to the person who confined him. Take it as you will, we commit *INJUSTICE*."

In the same memorable speech, that noble orator exclaimed, "If insolvency be no crime, why is it

punished with arbitrary imprisonment ? if It be a CRIME, why is it delivered into PRIVATE hands to pardon without discretion, or to punish without MERCY and without MEASURE ?” Such were the opinion of Dr. *Johnson* and *Edmund Burke*. Surely they are equal in weight to the untaught lisplings of *Diogenes junior*, and deserves the respect of all the little advocates for imprisonment of debtors.

Whoever asserts that the abolition of the system “will plunge us into every species of disorder,” knows nothing of the history of nations or the nature of laws. Whoever says that it will “bring down the execrations of the worthy,” slanders the worthy, and deserves their contempt. I again resort to the authority of *Burke*. “Holland,” he says, “understands trade as well as we do, and there was not, when Mr. Howard visited Holland, more than one prisoner for debt in the great city of Rotterdam.” And this is a striking proof that trade may flourish without the AID of our debtors’ laws, and that there is no need of an “ALLIANCE *between the counting house and the gaol*.” France, Sweden and Denmark have nearly abolished the barbarous custom of confinement for debt ; yet it produces no “disorder,” and “the *worthy*” approve of the policy.

But here, in America ! where we boast of VIRTUE and LIBERTY, I attempt to relate the sufferings of a prisoner. It falls far short of the real picture ; yet it draws a tear from the eye of misanthropy itself. However he “checks it in a pet,” calls me an “imposter,” and says “every debtor is a knave.” I an-

swer, "knave or no knave he ought not to starve," and am told in reply, that because Diogenes wept over my story, I may rest assured that no man can possibly be permitted to starve in this land, where liberty is so perfect that the debtor does not deserve to enjoy it. Then my opponent blusters about his own "stern undeviating JUSTICE," flatters himself that he is a wonderful "humane man," declares, however, that he will never release a prisoner for debt—abhor that *horrid, savage* state where people are compelled by *necessity* to be good christians, and "to do as they would be done by," cuts an *unintelligible* caper about a "criminal and a debtor," makes a grand flourish in favour of our laws, and at last sinks snugly into a "downy sofa," hard by "a luxurious side-board," and solemnly declares that he does not pity any body who has been "*even thrice sixteen years in prison!*"

Such is the course pursued by Diogenes junior, who opposes me in my humane purpose of alleviating the sad condition of unfortunate debtors. Like one of those flies which Providence has formed for no use but to buzz about the ears and try the patience of man, he flutters in the face of Burke and Liberty, of Humanity and Johnson, and plays with delight on his *tiny* wing, well pleased to think that he has, for a moment, checked the purposes, and disturbed the contemplations of Howard.

And now, whoever this Diogenes junior is, I advise him to lay aside his pen, and keep his real name an imperishable secret. For as sure as cruelty is

hateful, and benevolence amiable, if he suffers his name to be known, he shall be despised as one who basely attempted to ridicule the miserable condition of debtors, and be hated as the advocate for cruelty, till the littleness of his fame is lost in oblivion.

For myself, I pity and forgive him. I am a hoary headed prisoner, bending under the weight of years, and rapidly sinking into the grave, a wretched victim of that wicked policy which all wise and good men abhor. My errors may have deserved the censure of the just, but I know they never merited those keen sufferings which appal the fortitude and cripple the towering spirit of man.

With these remarks I bid farewell to Diogenes forever. When we meet at that bar where the creditor's SCEPTRE and the debtor's CRIMES shall appear in a different light from that in which they are now viewed by the purblind eyes of TRADE, I pray that the "stern undeviating JUSTICE" which Diogenes and all his coadjutors here contend for, may be made to yield its sword into the hands of that MERCY which now they despise.

No. IX.

ESSAYS OF HOWARD.

BY A PRISONER.

"Sooner shall whirlwinds rock the sea to rest,
And mothers stab their sucklings at the breast,
Than GOD his timely succour shall withhold
From those oppress'd with *hunger, thirst, and cold.*"
Noyes' Poem on Distress.

FOR several weeks past I have been so sick that I was unable to write down my ideas on the barbarous custom of imprisonment for debt.

During that violent snow-storm which fell about the first of November, and which was so unseasonably severe as to appal the hearts of the poor, and make even the rich merchants of our city anxious for their ADVENTURES—the miserable debtors of our prison were without fuel.

Whatever legislators and creditors may think, there is no debtor so very a knave but what cold and hunger may do him harm. When I was young, and the blood flowed rapidly in my veins—when hope, freedom, and fortune, smiled upon my days, I laughed at hardships and privations. But now that my limbs are old, and I have long suffered the horrors of confinement, I feel that my once ambitious spirit is cloven down, and I have lost that and my freedom by the same cruel blow.

I have endured the miseries of *sickness in a prison*.

Whatever may be the merits or demerits of a fellow being, our religion commands that in sickness we should pity and succour him. And, under that affliction, among *feeling* people, he is an object of compassion, even though he has all the aid which art can give, and all the luxury that wealth can purchase.—Let me then ask an enlightened and religious community to reflect a little upon the appalling influence of sickness on a prisoner in our debtor's jail. Day after day, and night after night, he suffers pain, and no physician attends him—no nurse administers to his relief—no fire warms, and no friends consoles him.—The Humane Society, thanks to their excellent benevolence! send him food once in twenty-four hours; but the feeble palate of a sick and miserable man turns at the sight of common sustenance, and longs for something palatable.

My malady kept me often awake at midnight.

When all the city was asleep, save the solitary watchman who called the passing hours as they flew, and, lying, said that "all was well," I was wont to reflect upon the strange and wayward disposition of man.—He is surrounded, thought I, by dangers and misfortunes; want attacks him on this side, sickness on that—and yet, instead of uniting with his fellow-creatures to protect himself against the common foe, he sows the seed of discord, and quarrels with—his brother: like the two lewd women of Venice, who were seen fighting with each other, while the city was convulsed by an earthquake.

What should we say of a creditor who, when the earth was on fire, should deliberately confine his debtor in a dungeon? How shall a creditor answer for his cruelty at the bar of justice, in that awful hour when all earthly things shall be consumed forever! Surely there is a God. Surely man will be called to account. And he whose merciless nature has locked me in this dungeon, where now I languish in sickness, and shall dye unattended, will be asked in a mighty voice, "Why hast thou done THIS sin?" My creditor professes to be a Christian, and, I believe, attends divine service regularly at St. Paul's. Weekly as the sabbath rolls around, he prays that Heaven will "forgive us our debts as we forgive our debtors."

Father of MERCIES, take not the letter of his prayer, but forgive him *truly*, as—even now—sick and persecuted as I am—I do. When death shall have sealed his lips forever, and his love of gold, and malice for me, shall have perished with him, let him not, because he hath insulted thy throne by hypocritical petitions, be blasted in thy sight forever!

During my sickness I have not been without my consolations. It seems that when men wickedly conspire to take away the happiness of a fellow being, God, who is better than men, disappoints their malice, and gives the most solorn son of misery occasionally to chew the food of "sweet as well as bitter fancies."

I was made to smile in my sorrow, by the flattering letters which I have received from different parts of the Union, on the subject of my Essays, and by the kindness of Mr Holt, who, from time to time, has

sent me papers from all the states wherein my numbers have been published.

Information that the Humane Society were making laudable exertions for a reformation of our debtors' laws, and that the people themselves were taking a zealous part in this great concern, has cheered me in the gloomy hour of most oppressive sickness. But I must own that nothing has contributed so much to revive my sinking spirit, and so directly touched my heart with delight, as a letter which I received from some unknown person, enclosing me a small trifle, with these words written on the cover : 'From a WIDOW, whose Husband died in a Debtors' jail, to HOWARD, a Prisoner, sick—but not friendless.'

When I opened this letter and read the inscription pale and emaciated as I was, tears of joy streamed down my old wrinkled cheeks. I fell back upon my pallet of straw, and in spite of confinement, for a few precious moments, thought myself happy.

I had began to think that malignity had usurped the throne of empire, not only over bloody Europe, but peaceful America. Let me rejoice, then, that pity holds an office in the state, and sometimes, by stealth, pours balm into the heart which malignity hath wounded.

Some philosophers have asserted, that men are the offspring of chance, growing out of the dirt. Others have quarrelled with that sect on this point, and warmly contend that man is descended from the deity himself. When we consider the mean and wicked passions which govern men we are tempted to

believe with the former, that such low and grovelling natures could have originated only from the ground; but here and there a good man rises up, like a light in the wilderness, and gives us spirit to hope, and faith to believe, that we are beings of a better, origin.

My wish is to induce all the *good* men to unite under the standard of TRUTH, to support HUMANITY against the attacks of CRUELTY. And since the world is full of sophistry, and the enemy will use all possible means to persuade us that CRUELTY is necessary to the state, let the good resolve, as an article of their association, according to the great Addison, "with their lives and fortunes" "firmly to support the doctrine, that white is *not* black, and black is *not* white."

No. X.

ESSAYS OF HOWARD.

BY A PRISONER.

If the debtor die in execution, you may, after his death, take out a new execution against his estate, in the same manner as if the body of the deceased had never been seized !... *Laws of New-York. vol. 1, p. 392. Passed 31st March, 1801.*

A Writer who has taken up the pen against me has blamed me severely for exposing the cruelty of our debtors' laws.

A patriotic pride blushes to confess, that, however great the crimes of Virginia, the Carolinas, and Georgia, may be, towards *their* slaves, ours towards our own brother whites shamefully exceed them. I have heard a recital of a southern planter's severity, but while indignation was rising in my bosom, the thought of a creditor's inhumanity has suddenly checked the emotion, and changed it into that of shame, to think that we in the north are worse than they of the south. Therefore while the above statute exists, let no New-Yorker throw *slavery* in the teeth of a Virginian.

It is not uncommon for a creditor here to seize a debtor, tear him from his frightened family, throw him

into jail, hold him there until he dies, and, then, under the law of this state, take the little remnant of furniture, cloths and bedding, from the widow, and turn the orphan helpless on the world.

It is such facts that warrant me in saying, there is no comparison between the situation of that poor being whose body in the hour of adversity may, at any moment, be imprisoned, at the whim of creditors, and that of the enslaved African.

The African is sure that his master will give him his play time, his food and his raiment—the debtor droops in his dungeon—and raiment and food are both denied him; the former breaths the free air, and treads the scented fields of nature through the day, and when evening comes, sleeps in security—the latter, shut out from the cheering light of heaven, condemned to pant in twice-breathed air, passes a long day of hopeless misery, and a wretched night of feverish dreams.

The slave sports with his friend and companions, and his wife and his children are supported by his master—the debtor is torn from his friends and companions, and his wife and his children are suffered to starve. He can hold no property more than a slave; if he acquire any it is attached; even his body, his liberty, his personal rights, are, by his misfortunes—*by his misfortunes alone*, transferred to his creditor, not to be sold, like a slave, to some humane purchaser—but to be lodged in the loathsome store-house of a debtors' prison.

Americans"! Ye whose feelings were roused to indignation by the cruelties of a FOE towards American prisoners, during the war; who call down the vengeance of heaven upon the heads of merciless oppressors—pause—for every accusation made against them recoils upon yourselves. Your jailors are Cunninghams, playing the game of petty tyranny—all your jails are nauseous prison-ships, erected by your own laws, for your own citizens—laws, framed, not in the hurry of furious relentless war, but, deliberately passed in cold blood in the moments of peace.

For my own part, I have suffered so much during a long and cruel confinement, and have by sad experience formed such a dreadful opinion of the present insolvent laws, that I have thought it a duty which I owe to humanity, to pray the legislature, in mercy to debtors, to pass a law something to this effect, to wit:

"Whereas the debtors have become so numerous that the humane and benevolent part of the community can no longer afford to support them, and whereas it is wrong that creditors should carry their revenge so far as to put such a numerous class of citizens to the lingering torture of starvation.

"Now, therefore, in mercy to debtors, we do enact, that debtors hereafter shall, instead of a slow death by starvation, be forthwith shot, and that this execution shall be carried into effect by the jailor as soon as the key is turned upon the debtor, and his goods shall instantly pass to the creditor."

When a horse loses a limb by *misfortune*, and is no longer *useful*, all humane people consider it an

act of mercy to put an end to his misery by killing him at once—and this morality applies precisely to the case of a miserable debtor. Shortsighted people may think that such a law would bear hard upon a debtor's wife and children ; but, in fact, it is in all respects more kind to them than the existing laws, inasmuch as it gives them more speedily a right to claim relief from the "Orphan's Asylum," and the "Widow's Society."

Alighieri Danté, one of the most celebrated poets of Italy, occupies several pages of a poem in describing the sufferings of Ugolino and his family, who were starved in prison. The story was so interesting that it touched the hearts of all the feeling men, and although Danté wrote in the 13th century, sir Joshua Reynolds, the eminent English painter, who died in 1792, has made this tale the subject of one of his most famous paintings.

It is astonishing how differently objects affect us when once we become familiar with them. We now-a-days are so intimate with cruelty, that, no matter what she does among us, neither poet nor painter, will notice her enormities. Yet if some poet or painter shall wish, like Danté, or Reynolds, to reach immortality, I will recommend him, for a study, something like the following subject ; *Let him represent PATRIOT-

*The body of admiral Rodney was arrested for debt after his death, and while proceeding to the grave ; and if I can find, any where, the history of the creditor who thus disgraced humanity, I will give it to the public, that the wretch may be justly estimated.

ISM seising the body of ADMIRAL RODNEY on its way to the grave for a debt—not that patriotism which glowed in the bosom of Rodney, while living and made him encounter fire, danger, battle and death for the good of his country—but that miser-like, withered up, blasting patriotism of the modern time, which flies from danger, and stabs in disguise for office and emolument. Or, if he prefer it, let him describe the genius of literature weeping over the urn of SYDENHAM, whose life was terminated by an arrest for debt, while virtue is frowning on a list of names of those *patriots* who are guilty of enacting such disgraceful laws. Or lastly, draw a hero of the American revolution, covered with wounds gained in the service of his country's liberty, expiring in prison, for the loss of his own.

Alas, I fear, "*auro venalia jura*," that our rights are too much abused by gold ; that the spirit of venal speculation has overcome humanity, and lessened the force of religion. Lest the names of those great worthies who support these laws should be forgotten. I am compiling a concise history of them all, and if it should please God to spare my life, I mean, at the rising of the next legislature, to give them to the world, that their memories may live, and posterity may know how to appreciate their virtues.

CARD

Mr. Holt will oblige Howard by thus publicly acknowledging the receipt of a very flattering letter from "A committee of Dutchess County." Howard will cheerfully comply with their request as soon as possible. Howard thanks Historicus for his encouraging address, and the interesting story of Honorius, which shall be used as the friendly writer desires.



For the Columbian.

Mr. Holt,

I have seen several pieces, in the different newspapers of this city, on the subject of our insolvent laws; they give us a most deplorable account of the oppressions and cruelties the poor and unfortunate are subject to, by the creditor.

I am extremely mortified, that the legislators of this state should permit such laws to exist among us, to have it said by the southern planters, on hearing that such laws do prevail, that we are much more cruel to each other than they are to their negroes.

O legislators of this land of liberty! it is time that you do something to wipe away this stigma on the state:

A SUBSCRIBER.

No. XI.

ESSAYS OF HOWARD.

BY A PRISONER.

But then, poor wretch, what do thy wrongs avail !
What pity waits thy unconnected tale :
Ah, *little* HERE ! but when the band is riven,
That clogs thy spirit, it may soar to heaven ;
There, thy foul wrongs and injuries repeat,
And call down vengeance from “ the judgment seat.”—*ANON.*

If the legislature, either by inexcusable design, or unjustifiable neglect, suffer an oppressive law, year after year, to remain unrepealed, they are in a degree responsible for all the consequences of that law. If they enact, that a man may burn down my house, starve my family, or take away my liberty, and in virtue thereof these horrors are perpetrated by mine enemy, they are *in foro conscientie* “PARTICEPS CRIMINIS,” and as such they shall be judged.

With a view to the foregoing undeniable truth, I relate the following facts, from a feeble hope that they will reach the eyes and touch the hearts of some of those unthinking legislators, who believe that debtors are to be persecuted because they are unfortunate.

Among the melancholy inmates of this “castle of indolence,” there is a debtor of the name of *Danvers*.

By means of losses which arose from no imprudence of his own, and of a series of misfortunes over which he had no controul, he became insolvent ! He called his creditors together, assigned over all his property to them, and asked for a discharge. It was denied. He attempted to procure his liberty by means of our insolvent laws ; but it appears that his creditors were much exasperated because he had divided his property equally among them, for each one thought himself entitled to a full payment, and no one, therefore, would become a petitioner. Thus situated, with his credit gone, his reputation blasted, and all his property imprudently given up to those very creditors who refused him liberty, Mr. *Danvers* was sued and cast into prison. It is often thoughtlessly and cruelly asserted, that any honest debtor may obtain his discharge, instantly, under our insolvent laws. Had *Danvers* been dishonest, he might have been free. As he honestly gave up all to be divided among his creditors without favor or partiality,* he

**For the Columbian.*

MR. HOLT,

Being the person alluded to by Howard in his 11th number whose child was burnt to death in January last ; it will probably be alleged that I gave him the information on which the story is founded, and that consequently I am answerable for the accuracy of his statement. Being unwilling that my name should be connected with any thing of so serious a nature, when it goes to implicate the character of others, unless strictly true, I think it my duty to correct an error into which the writer has been led for want of correct information.

It is not the fact, that I actually made an assignment of all my property for the general benefit of all my creditors, but it is true that I have always wished to do so, and often expressed it, but could not effect such an arrangement. I would gladly

is now a prisoner ; and there is a conspiracy among his creditors to keep him so as long as the ingenious ehicanery of skilful attornies, aided by "rebutters and surrebutters," my lord Coke and our statutes, can possibly

"Entangle justice in the net of law."

As soon as *Danvers* came here, destitute and sad as he was, he felt not for himself—but, as to his beloved wife and two charming children, the prospect was frightful. Thanks to the kindness of a stranger, they

at any time, have surrendered every cent's worth of my property for their benefit, without asking for a discharge from my debts, or any advantage except my personal liberty ; and would have used every exertion in my power to have paid, as soon as possible, any balance that would have remained against me. Although my welfare and happiness has been as completely destroyed, as if every creditor I have had brought suits against me ; yet, in justice to a large majority of them, both as to numbers and the amount of their claims, I wish it to be known that they have neither commenced suits against me, nor, so far as I know, intimated an intention of doing so. The statement given by Howard respecting my dear unfortunate child, is substantially correct, except the substitution of fictitious for real names ; at all events, it is far from being exaggerated. If I had any disposition to excite the sympathies of the public in favour of myself and family, or their indignation against our inhuman oppressors, I would not stand in need of the pen of a Howard to insure success. A simple statement of facts, and an unadorned narrative of our sufferings, and the inhuman conduct of my creditors, would "a tale unfold," that would extort a tear from the most unfeeling, and excite the indignation of the most phlegmatic being that wears the human form ; but I have no such disposition ; the subject is too melancholly and distressing to my feelings to think, much less to write upon. This much I thought it my duty to say, to prevent erroneous impressions being made. It has been drawn from me with reluctance, and I gladly quit what is to me a very painful subject.

THE UNFORTUNATE FATHER.

of the still more unfortunate and lamented Eliza.
Debtors's Jail, Jan. 20. 1811.

were not permitted to starve. It is one of the effects of our laws, to place debtors in a situation so distressing, that humanity is absolutely tortured by its own sympathies into the necessity of affording relief. The fact is a disgrace to the state, and I hope, for the sake of my country, that posterity will not believe it.

A bookseller in the neighbourhood of the prison humanely employed *Danvers* and his wife in folding, cutting and stitching books ; and what with a rigid economy, the slender earnings of this labour, together with the occasional aid of charity, *Danvers* and his wife were sometimes in the midst of misfortunes blest with contentment.

It was in one of those halcyon hours that *Danvers* and myself were "making merry" over the last remains of a pitcher of ale, which he had purchased to aid us in celebrating the birth-day of his little darling daughter *Eliza*. Mrs. *Danvers*, who had hired a small house in the upper part of the city, had just left us, saying, as she departed, that "she would go home and make little *Eliza* drink our health, for the high honors paid her on her birth-day by the prisoners".

To fathers and mothers I need not say what joy there is in commemorating the birth-day of a beloved child. *Eliza*, the charming little being who this day shed happiness over her household, was indeed a fairy. She was only four years old, but such intelligence sparkled in her eyes, and such enchantment played in her smiles, as won the love and rais-

ed the wonder of every one. You may be assured that the father, and especially the mother, thought she was angel.

It was winter, and as *Danvers*, peeping through the grate of his prison, saw his cheerful and amiable wife, trudging through the snow, to carry his blessing to the "darling Eliza,"—"Now, Howard," said he, "by the goddess of mercy ! (and I think her the best goddess in the catalogue) I feel at this moment that I am gay in spite of oppression. My wife there is an angel, and the daughter, whose fourth birth-day now makes me so happy, is worth more, in my estimation, than all the wealth in the world. Dearly as I love my liberty," continued he, "I would sooner remain a slave than part with that little darling of my heart. Come, Howard ! here's to many happy returns of Eliza's birth-day." So saying, he took up the cup, and was just applying it to his lips, when suddenly the door of his room flew open, and in rushed his eldest child, covered with snow, her hands and face purple with cold, her eyes wild, and the tears frozen on her cheek. It was some moment before her excessive grief would permit her to speak. She asked for her mother—who had just departed. "God forbid," said *Danvers*, "that any misfortune should happen to your mother." At length the girl was able to speak ; "Eliza is burnt to death !"

I will not undertake to describe, but leave the reader to imagine the consternation of *Danvers*, when those horrid words fell upon his ear—"Eliza is burnt to death !"

With tottering steps, he reached the outward grate of the prison, and faintly asked the keeper of the jail to send some one to his house. "What will you give me?" said he in a surly tone that struck to the heart of *Danvers*. At that instant a messenger arrived with a note from Mrs. *Danvers*. With a trembling hand *Danvers* opened the note and read :

"My husband, come instantly—Eliza is dying—come instantly." The words were somewhat defaced, and, evidently, by the mother's tears. I looked at *Danvers*. With a faltering voice he begged the jailor to go with him that he might see his dying Eliza. There was so much of intreating woe in his countenance, that no *human* being could have denied his request. The jailor positively refused.

Feeling that the barbarity of the law absolutely took away from him all hope of seeing his child again, *Danvers* indulged in the phrenzy of grief, imprecated terrible curses on the heads of unfeeling creditors—and in this delirium of agony was dragged to his room. The scene was too affecting for me to endure it any longer, and I turned away almost overcome by a reflection upon the indescribable horrors of this miserable prison.

The next morning I received from the afflicted *Danvers* the following note.

"Howard! my child, dear Eliza is dead. Her mother, since I cannot go to my child, will bring her remains to me. I shall see her body—before she is entombed. Come to me at four—we will all weep over her."

At the time proposed, I went to my friend's cell. His surviving child was already there. The room would have been entirely dark, but for a little lamp which stood near the window, "casting a dim religious light" upon the iron grates on the outside. He rose as I approached, and pressing my hand with fervor, pointed to a seat, wished me well in a low voice, and resumed his former place. We had not long been seated before the coffin was brought in, followed by the mourning mother and her old servant maid, Lucy. The mother and the daughter covered their faces, turned aside, and wept aloud. The father knelt beside the bier, fixed his eyes silently upon the infant's face, contemplated it with great anxiety for some minutes, then suddenly bursting into a flood of tears, made some low, faltering, but indistinct exclamations, and waved his hand to the attendant, who caused the coffin to be taken away.

A day or two afterwards I sat with my friend, who seemed to be more tranquil: and he took great pleasure in talking about his child. "Her form, sir," said he, "was perfect symmetry. Her eyes were black, piercing, and intelligent. Her cheeks looked like roses, and her face was constantly lighted up by a heavenly smile, which discovered one of the most beautiful dimples I ever saw. I don't believe, sir, she was ever out of temper more than a minute at a time in the whole course of her short life. She appeared desirous to please every body; at home she was peculiarly amiable and affectionate, and when

she received a present, invariably ran to share it with her sisters. If she walked abroad, objects of distress always excited her compassion ; and the sight of the little chimney sweeps who run about the streets, would very often draw from her expressions of pity.

“ I have seen children, and interesting children too, who, when checked, would pout and become unmanageable. But my Eliza, who was very seldom in fault, if treated with the least severity, would climb upon our knees, clasp her little arms around our necks, and exclaim, with a pensive smile, *Father ! mother !—are you angry at me now ? I am not angry at you !*

“ My child’s improvements in reading were very remarkable, and gave evidence of great talents. My situation prevented me from sending her sister or herself to school, and the only instruction they ever received, has been from me in prison. The little creature was very sprightly, and yet poetry, and that of the most melancholy kind, gave her the greatest delight. She committed to memory several verses out of the Port Folio, and Campbell’s Poems. Before she learnt to read herself, she constantly entreated me to read for her. You may recollect, my friend, with how much precision she has recited the leading incidents of stories which she has heard in this way.

“ It sometimes seems to me as if my departed child was something more than a being of our earth. Forgive the weakness. It appears now, especially, as if she had been animated by a kind of celestial inspiration.

"The following lines of Campbell were constantly in her mind, and she repeated them with a pathos and expression which no child I ever saw could equal.

"Lo ! at the couch where infant beauty sleeps,
Her silent watch the mournful mother keeps !
She, while the lovely babe unconscious lies,
Smiles on her little son with pensive eyes ?"

But the song of Gilderoy, particularly the 4th verse, interested her beyond any thing she attempted to recite.

"Oh Gilderoy ! bethought we then,
So sad, so soon to part !
When first on Roslin's lovely glen
You triumph'd o'er my heart ?"

"A week or two before Eliza's death, the unfortunate mother overheard her telling her sister she would as soon die as not. My wife called the child and asked if she knew what would be done to her when she was dead. "Yes, mother, I shall be put in a hole in the earth, and covered up." "My dear, don't you think it will hurt you to be put in the cold ground, and covered up with earth ?" "No, ma'am, you know when I am dead, I cannot feel pain." "But what is the reason you are willing to die, Eliza ?"—Because I shall become a little angel, and go to heaven then," was the reply. Her mother, much affected, told her—"My child, I do not wish you to talk so any more—it distresses me." She promised that she would not, and never did.

"But it is most remarkable, sir, that the same

spirit pervaded her last moments. She had her senses to the end, and though her sufferings must have been agonising in the extreme, not a murmur escaped her. She frequently desired her mother and sister not to cry. Her mother asked her—"Are you afraid to die, my darling?" She began to answer, but her little lips were so burnt as to stick together. She drew them to her teeth, bit off the skin, and then casting on the mother the sweetest smile, said—"No mother." She was again silent for some time, and at length repeated, as if significantly, the following couplet from her favorite ballad :

"Oh ! Gilderoy ! bethought we then,
So sad, so soon to part !"

and these were the last words our dear babe uttered."

Here my friend's voice faltered, and he ceased speaking. At that moment the turnkey's rattle which warns each prisoner to retire to his own cell resounded through the prison. The clattering of closing doors, and the clank of the chains which are fastened to them, "gave dreadful note of preparation." We parted.

I hardly think my friend will ever get over the shock which the aggravating circumstances of the event gave him. He is sometimes cheerful, but it is cheerfulness of one sick at heart, and his thoughts constantly revert to his dying child, her sudden fate and the barbarity of that law which denied him a parting interview.

I was lately looking over some books in Danver's

room, and found in one of them a sheet of paper, one side of which was filled up with a very accurate likeness of his child, which he had drawn from recollection; and the other, with a copy in his wife's hand writing, of the following exquisite little poem. I have read it before, but it struck me as being so very judiciously applied by the unfortunate mother, that I could not help transcribing it, and with this wild and plaintive elegy, I will dismiss the present number.

A MOTHER'S LAMENT OVER HER INFANT.

*"He was delighted with the work of his own hands; he saw
that it was beautiful, he made it good, and took it to himself."*

I had a daughter, sweetly fair,
With mild blue eye, and auburn hair,
A dimple too in either cheek,
And cherry lips—she just could speak.

Oft in her eyes I used to gaze,
Delighted with her infant ways,
And play'd, and look'd, and play'd again—
So watchful never to give pain.

That she was pleas'd, and seldom cry'd
Except when something was deny'd,
Which sterner duty order'd so,
And this forsooth would cause her woe ;

But then it went so soon away,
That we did little else but play ;
She just could run—I think I see
Her infant form approaching me ;

A bunch of flowers in either hand,
Like little sylph from fairy land.
She rooted was within my heart
So that I thought I could not part

From the sweet babe, I lov'd her so :
But still I knew that she MUST go !
My lov'd Eliza now is gone !
But why should I her loss bemoan ?

Thro' glass of faith, I plainly see,
That she is happier far than me,
Her golden harp she tunes so sweet,
While sitting at her Saviour's feet :

That I should like to go and hear,
 I sometimes think, and shed a tear—
 (No tear of sorrow, but of joy,)
 The hymns which now my child employ!

Far from the wars, which roar so near,
 She's landed safe, and free from fear :
 She's met a lovely sister there,
 Who, like herself, was good as fair.

Angels do sit, and listen round,
 (I make no doubt,) on heavenly ground,
 And every voice in chorus raise,
 To sing the great Redeemer's praise !

"It was a beautiful flower ; it was committed to my care
 and I watched over it with the tenderest affection, but I
 loved it perhaps too well, and it was taken from me in mercy."

See appendix.

No. XII.

ESSAYS OF HOWARD.

BY A PRISONER.

The *little intrests of trade* have perplexed the faculties of man, and encompassed them about with clouds and thick darkness : *Selfishness* tries the cause of humanity, and *Passion*, ascending into the judgment-seat, pronounces sentence instead of *Reason*..... *Yorick*.

WHEN a real philanthropist sees the miseries which afflict mankind, he feels a sincere sympathy that instantly prompts him to give all the relief in his power.

He enters into the bosom of those who are born down by the weight of their sorrows, and, no matter what pleasures occupy, or what cares distract him, such is his benevolence, and so imperious with him is the dictate of DUTY, that he will not—nay, he cannot for a moment forget to administer aid were aid can be given. He knows that mankind are one great family of brothers and sisters in sorrow—that the obligation to help each other, when in distress, can never be dispensed with, for the avocations of business or the pursuits of amusement. Deeply impressed with a belief that he is accountable to the Great Author of his being, not only for the *acts*,

but also for the *omissions* of his sublunary pilgrimage, he can lend his attention to no affairs, nor can he give his heart the rein to any pleasures, while he is conscious that there is one sigh which he might suppress, or one tear which he might wipe away.

What then, upon the supposition that our legislature is composed of real philanthropists, what will be the effect of a representation to them of the unmerited sufferings, and unconstitutional wrongs of more than twenty thousand debtors? Will they not instantly arouse from that cruel indifference and unpardonable carelessness, which, for ten years past has permitted so great a part of the community to be oppressed, and, at least, give this grievous complaint a patient, careful, and deep investigation?

A great writer has said, "that the corrosion of resentment—the heaviness of sorrow—the corruption of confined air—the want of exercise, and sometimes of food—the contagion of diseases, from which there is no retreat—and the severity of tyrants against whom there can be no resistance—and all the complicated horrors of a prison—put an end every year to one in four of those that are shut up from the common comforts of human life."

If this calculation be admitted to be only half correct, there has died in confinement, in the state of New-York, two thousand five hundred people within the last ten years. If *credit* must be fed by enormities like this, and *commerce* must be supported by slavery and death—let commerce and credit perish,

rather than suffer religion and humanity thus to be trampled down. "I write not to the cruel, but to the merciful—it is to those who rejoice with them that rejoice, and weep with them that weep—it is to the **GENEROUS**, the **KIND**. and the **HUMANE**."

I must be permitted also to address the pride of my countrymen, and to excite, if I can, the blush of shame upon the cheek of every patriot in the nation. In the relief of debtors, we have been out done by Ireland; and England has gone before us in the grand work of securing civil liberty to the poor and unfortunate insolvent.

In March, 1809, an honorable and learned member of the english parliament proposed a law for the debtor, which effectually secures to him an absolute discharge on his petitioning the chancellor, and assign over all his property. It is with no small degree of pride which appertains to human nature, when it counts over its ornaments and its glories, that I make known to the people of America the name of Sir Samuel Romilly, whose humanity and genius proposed and consummated the above improvement in the debtor's cause. With the zeal of a truly virtuous and intelligent man, and with the untired patience of a genuine patriot, Mr. Romilly labored at all proper seasons, for the space of three years, to effect an alteration of the old system.

Speaking of the effects of the old cruel laws, he asks the assembled legislature of England, "how it was possible that a more aggravated grievance could exist than that oppressive system, or how any man

could render his country or the cause of humanity and justice a greater service, than by contriving to throw off altogether the cruel tyranny of those laws."

He further said, "Is it to be believed, that under the MILD and CONSTITUTIONAL jurisprudence of a free country, a usage can be permitted to exist under the sanction of law, which places a man, for no crime but POVERTY at the mercy of his creditor, who is at once made judge and executioner in his own cause; and who, at his mere discretion may imprison his debtor for life, not because he has acted dishonestly—not because he has concealed any part of his property (for that, if proved, would be a capital felony) but because he cannot pay that of which the law has deprived him of all possible means of payment."

The learned gentleman, with all the eloquence of a great and good man, then drew a pathetic picture of the accumulations of wretchedness that had for many years been sustained by deserving families, consigned to beggary and disgrace, by the severity of BAD LAWS, and INEXORABLE CREDITORS. "Had some such law as that proposed, been passed early in the present reign, what misery to thousands would have been prevented! what valuable exertions of talent and industry would the country have gained! how many honest hearts would now beat high in the reflection of having, by industry, surmounted early misfortunes, and now exult in the opportunities of discharging, with a high-minded honour, those engagements which PERSECUTION and OPPRESSION have totally placed beyond the possibility of meeting."

The bill passed into a law without one single dissenting voice!

Our legislature are inexcusably ignorant, or they must have known this salutary example more than two years since ; and knowing it, as I presume they did, what excuse can they give to the people of the state, for being out done in the cause of civil liberty and in the cause of humanity, by *even* the parliament of England?

“Surely a legislator must, at least, feel his mind clouded with discontent, when he considers how many have suffered on account of his *neglect* ; when he thinks on the wife bewailing her husband, or the children begging the bread, which their father would have earned, but for the severity of WICKED laws. If, however, there are any made so obdurate, by AVARICE or CRUELTY, as to revolve these consequences without dread or pity, I must leave them to be awakened by some other power, for I write only to human beings.”

No. XIII.

ESSAYS OF HOWARD.

BY A PRISONER.

Mercy, the whitest dove that ever flew,
From *Calv'ry* fetch'd, of tinge a crimson hue ;
Aloft it sent the scale on t'other side—
Man smil'd, and *Justice* own'd "I'm satisfied !" ...*Euxene*.

INSOLVENT laws should be made to prevent fraud, to favour the *interest* of creditors, and above all to promote the good of the community. The present laws are productive of nothing but fraud, perjury, vice and oppression. It is a monstrous accusation against our legislature—but it is a true one.

As far as I have been able to observe, and from all that I have heard and read, it appears, that a dread of having recourse to these laws drives many a citizen into frauds previous to his failure, and then to the necessity of perjury to avoid misery, and even death.

What can we say of those laws which, on the one hand, tempts the unfortunate man to perjury, by the hope of "dear, delightful liberty ;" and on the other hand, compel him to resort to it, by the torture of confinement, and the horrors of starvation.

Let me ask if there be a Greek or Roman in the community, who, so tempted and so pressed, could forego the oath ?

There is a poor debtor in this jail, who is now taking the **BENEFIT** of our law "*for giving relief!*" yes "*for giving relief,* in cases of insolvency." This man, I believe *was* honest. His **MISFORTUNES** were occasioned entirely by the *frauds* of others. But the creditors were angry, and three-fourths could not be procured to sign a petition. Mr. Fitz-Williams, the **POOR DEBTOR**, of course, came to this heart-sinking, conscience-destroying prison. After he had been long in confinement, he heard of a pettifogger in the city, who was said to be so very ingenious and skilful in the law, that he could "*get one through the three-fourth act*" at any rate. Accordingly, a messenger, at the expense of a dollar, (for a prisoner pays dearly for every thing) was dispatched for the ingenious and renowned Mr. Quibble, esq. attorney and pettifogger in Republican Alley. In the course of two or three days, this twig of the law called on Mr. Fitz-Williams.

"How much," said Mr. Fitz-Williams, "will you charge to *get me* through the three-fourth act?"

"Why, sir, you must know that is a point of great consequence, and will turn altogether upon modes and circumstances. If your creditors are easy, my charges will be no more than ten dollars, you to pay all expenses.

"But, sir, my creditors will not consent to my discharge, and hearing of your skill and ingenuity, I have sent for you to get me through."

“ Ah ! yes—sir—I understand. Well, sir, I am in a monstrous hurry—a great deal to do—court sitting—and so on—therefore, sir, to be plain with you, sir, if you find signers to your petition, I will run you through in a hurry for ten dollars cash, you to pay expenses. But, sir—you see, sir—if I find signers—I shall ask you *twenty*.”

“ Pray, sir, what do you mean by ‘my finding signers’ and ‘your finding signers?’ I tell you, sir, my creditors are obstinate, and will not sign.”

“ Well,” replied the ingenious Mr. Quibble, “then we’ll cheat them—for with a small expense of eight or ten dollars, I can buy as many signers as you want,”

“ What !” said Fitz-Williams, “ how can they swear ? How can they take the oath prescribed by law ?”

“ Nothing more easy, sir ; it is done every day—I have lately discharged fourteen debtors without a real creditor to assist them, and what is more, sir, they saved their property ; but that, sir, is between you and I—and if you were not my particular friend and client, I would not trust you with the secret.”

“ But there is an oath for me, Mr. Quibble. Pray tell me, how can I surmount that ?”

“ Why, you see, Mr. Fitz-Williams, there’s a hole in the law—it’s a dam’d bad law for honest men, but a dam’d good one for us liberal, free-thinking fellows, that a’n’t such stiff presbyterians as to startle at breaking an oath. Now, what’s an oath ? Why,

only a promise ; and who would not break his promise to get his liberty ? Why, I can prove, sir, that it's one's bounden duty to swear through thick and thin, for one's liberty. Make creditors, Mr. Fitz-Williams—that's your only hope.

Why, here's my good friend and client, Mr. Dashon, he will be your creditor, if you will only be his, to any amount wanted. So you see in this case you have a creditor for nothing."

Mr. Fitz-Williams heard this harangue with mixed emotions of indignation and wonder. Several times he was on the point of spurning from him this base, contemptible genius of law, and treating the villain according to his deserts. But the words, " it is your only hope," sounded in his ear, and struck to his heart with an influence that unnerved his arm, and weakened his virtue. The horrors of this loathsome prison darted through his imagination—the pestilence of summer, the cold of winter, appeared in the prospect—he was himself the victim of misery, his fancy painted the sufferings of his children, the agony of their mother, and his and their ignominious death. " It is your only hope," said the lawyer, and departed.

Here, gentle reader, let us pause for a moment ; and after we have, by the aid of thought, placed ourselves in the miserable condition of this unfortunate debtor, we will ask, how would *we* have acted under such terrible circumstances ? We can easily say how *we ought* to have acted ; but the question is, how *would we* have acted ? He was a father, and a husband ; for months he had languished in confine-

ment, not for crimes—but for misfortunes. He thought of his fire-side as it was when liberty smiled upon his dwelling, and health and peace ministered to his felicity. This tempted him on the one hand—on the other, he was forced by despair; his heart shrunk from the trial, his courage failed him, “*your only hope*,” still sounded in his ears, and he did, courteous reader, as most probably you would have done in his trying situation—he called Mr. Quibble back again, and raised the sum of twenty dollars for him. Mr. Quibble “found signers,” and Mr. Fits-Williams will soon be at large.

Such is the weakness of the law—such its fruits—such its temptations—its moral effects—its crimes, and its horrors.

And now, legislators and statesmen of my country; patriots, philanthropists, and sages of America! ye who hate oppression and adore liberty, who love justice and believe in religion, listen to one, who for misfortunes alone, here, in this blessed land of freedom, and under your own eyes, has suffered more oppression than ever did prisoner of Porto-Rico, Carthagera or Tripoli!

From the gloomy cells of a prison, in the midst of sorrow and sickness, have I written these hasty essays, to awaken the feelings, and open the eyes of my careless countrymen. Let no one believe that the pictures of misery which I have drawn are too highly wrought, or in the least exaggerated. Whatever I have said that may appear improper, or give the least offence, let it be set down to the natural debility of

one who feels, that for years he has suffered unmerited misery. And if the critic be disposed to abuse me for my numerous faults, let humanity and charity plead in my favour. When these essays meet the eyes of legislators, let them remember that the power of custom is difficult to be overcome, and that prejudice even among the enlightened people of America, often governs with an usurped authority over feeling and reason. It has always been custom and prejudice, more than any thing else, which has prevented ameliorations, and opposed improvements in the condition of man. The reformation of the Julian calendar was introduced by pope Gregory in 1582; but custom and prejudice prevented its use in England for nearly two centuries. Printing! the glorious and sublime art of printing! was a hundred years opposing the prejudices, customs, and wonderful indolence of man.

Yet it seems as if there was some strange and wayward principle in human nature, which makes our prejudices, while they oppose our happiness, ready and zealous for the promotion of mischief and misery. To the shame of mankind it must be said, that gunpowder was invented *before* the art of printing; and although invented on the continent far from England yet under Edward, only ten years afterwards, it dealt havoc and death from CANNON, at the battle of Cressy! How rapid we are in the arts of destruction—how faintly slow in the pursuit of good! Year after year have the people of this state groaned under the

oppression of debtors' laws, which nothing but *prejudice* and *custom* could have supported. And this is one of the most wonderful triumphs of custom and prejudice over feeling, reason, humanity, liberty, and religion, that ever disgraced and enlightened government. Every thing cries aloud that something should be done ; and the community hope, that the legislature will not lose even a day after its opening at Albany, before the law that unanimously passed the house of assembly the last year, will pass the senate, and be confirmed by the council. It has many objections ; but no matter : let it be remembered, that abolishing the old, and passing the new law, will be one glorious step in the cause of humanity. Let time and experience do the rest.

APPENDIX.

From the Columbian.

MR. HOLT,

THE sensation produceable by pathetic novels has been frequently excited in me by reading the essays signed "Howard," which lately appeared in your paper; believing, however, the whole to be fiction, the effect was but momentary. I knew, or thought I knew, that our country did not produce cruelty or despotism as related by Howard. In thus passing over, without inquiry, what I considered but eccentricities, the author will excuse an injustice occasioned by my inclination to think better of mankind. The story of *Danvers*, and the frightfully lamentable fate of *Eliza*, have awakned strong emotions in the public mind. In both private and public circles it has become a chief theme of conversation; indignation against the persecutors of *Danvers*, pity for *Danvers* himself, and deep regret for the deceased *Eliza*, were every where expressed with lively feelings. My sentiments not inclining me to join in the general sympathy, I made several efforts to introduce other topics, but in vain; nothing but the subject of Howard's eleventh number could be heard, all, except myself seemed so engaged by the story of *Danvers*.

A communication in your paper of Tuesday last, avowedly written by the father of *Eliza*, gave to the subject a new importance, and determined me to see *Danvers* himself, if *Danvers* really did exist, which I yet doubted.

I occupied my first spare moments in gratifying this curiosity. No sooner had I entered the prison than I enquired for Mr. Danvers ; being answered by a grave looking old gentleman that no such person lived in the prison, I was about to retire ; but having previously produced to this gentleman the *Columbian*, I was proceeding to expatiate on the impropriety of such impositions, when a young man who formed one of a croud, of which I was the centre, exclaimed, "O ! that is poor Mr.—, he lives in No.—." Accompanied by this young man, I instantly proceeded to No.—, which I found to be a small apartment on the second floor. Having rapped gently at the door, and being invited to "walk in," I entered the room, and was about inquiring for Mr.—, but inquiry was unnecessary, so easily could he be distinguished from all present. Three or four persons who stood near to a small stove, were engaged in a lively conversation no way indicative of grief or distress. In another part of the room stood a low cot and bed, on which sat a personage who seemed in deep meditation ; on his face was depicted the gloom of despair, yet his aspect had nothing severe or forbidding. I thought he must be, indeed he was, Danvers. With the awful respect which melancholy ever inspires, I approached him, and was about taking my seat on the bed, before I perceived that he pointed to me to do so ; between us he laid a book he had been reading ; I took it up, it was a British edition of "*A Walk through the Tombs.*" The subject was gloomy, and neither calculated to cure his melancholy, nor to remove the embarrassments which yet prevented my speaking. At length I addressed him, but how inconsiderate was my essay : "You have, sir, (said I,) been reading a melancholy subject." He remained silent—"It is unpleasant (continued I) to be rambling, even in idea, amongst the dead." "I was looking (said he) for the shade of my Eliza." He

just touched the string that seemed to unnerve us both. After a short pause, I collected resolution to explain the motive of my visit, and having thus formed an acquaintance with this son of sorrow, I retired, with his permission to see him again.

My second visit, which was in the afternoon of the same day, opened with a more agreeable prospect. I found Danvers composed and somewhat lively.

He was instructing his daughter, a very engaging and interesting child of about ten years of age, to write. I, with the familiarity of a friend, a character which I now assumed, assisted in the pleasing employment. The top line, written by the father, was in the words of the Scotch bard ; "*Man's inhumanity to man.*" I have often observed, that those afflicted with melancholy are ever seeking provocatives for their disorder, and I feared that in this instance it would defeat the object of my visit ; but it happily had not the effect. The writing being finished, we repaired to the seats we occupied on the preceding morning ; and here, at my particular request, I had from Danvers an interesting, and, from his manner, a true recital of his and his family's history, as connected with his long imprisonment. The simplicity of the delivery, the extreme cruelty connected with this man's sufferings ; the illness of himself and wife ; that of his oldest child, which being of many years duration, was increased by a late fracture of her thigh-bone, while the mother was attending the imprisoned father ; his efforts and offers to settle with his creditors ; the losses to himself and them in consequence of a refusal on the part of some of them to comply ; and the manner in which the law has been twisted and distorted to defeat every means of his liberation—the whole has made on me an impression not to be easily effaced, however impossible it may be to describe.—A long pause proceeded the particulars of the terrible death of Eliza, which concluded the solemn

narrative—her lively disposition, her amiable temper, her fascinating manners, her engaging prattle, and prepossessing form and features, her astonishing advances in education, under the father's immediate directions, but, O heavens ! who can describe his emotions, when, in the midst of sobs, sighs and hesitation, he pictured her direful death ; his various, though vain, supplications to jailors, sheriffs, attorneys and plaintiffs, to permit him to witness the last struggle, to hear the last groan of his sacrificed angel, the darling of his heart ; and, finally, the introduction into prison of the coffin which held the lifeless corpse of the artless and innocent Eliza. “ And I was this day at the grave of Eliza, (said the little girl, who till now was silent) but I shall soon not know it, it grows so like other graves.” “ and is there no memorial to mark the place where she lies ? ” “ None, (answered she) pa is too poor to pay for one.” — “ Then my dear (said I) it shall not be so, if pa will permit ; the world shall have the tale he told me ; the profits of the little work shall be applied to raise a tomb over the ashes of Eliza.” The father, who again relapsed into his former sadness, said in a low voice, “ I wish there was a tomb over my Eliza.” “ and so there shall be,” said I, quitting the room. I could stay no longer—the little girl was in tears, the father relapsed into a state of seeming insensibility ; their disorders were contagious, I felt the effect, and fled while I could. On my way home I ruminated on the distressing interview—I recollected my promise, and shall, if necessary, perform it. The story of the family of Danvers shall be written, and the profits faithfully applied to the contemplated object. The lovers of innocence will, by subscribing, aid in thus commemorating the virtues of Eliza.

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